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Cambridge Historical Series

THE UNITED STATES OF AMERICA

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EDITED BY G. W. PROTHERO, LITT.D.

FELLOW OF KING'S COLLEGE, CAMBRIDGE,
AND PROFESSOR OF HISTORY IN THE UNIVERSITY OF EDINBURGH

THE UNITED STATES OF AMERICA.

London: C. J. CLAY AND SONS,
CAMBRIDGE UNIVERSITY PRESS WAREHOUSE,
AVE MARIA LANE.
Glasgow: 263, ARGYLE STREET.

Leipzig: F. A. BROCKHAUS.
Bombay: GEORGE BELL AND SONS.

THE

UNITED STATES OF AMERICA

1765—1865.

BY

EDWARD CHANNING, PH.D.,

ASSISTANT PROFESSOR OF HISTORY IN HARVARD UNIVERSITY.

CAMBRIDGE

AT THE UNIVERSITY PRESS

1896

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EDITOR'S PREFACE.

The aim of this series is to sketch the history of Modern Europe, with that of its chief colonies and conquests, from about the end of the fifteenth century down to the present time. In one or two cases the story will commence at an earlier date, but this will only be by way of introduction. In the case of the colonies it will naturally begin later. The histories of the different countries will be described, as a general rule, in separate volumes, for it is believed that, except in epochs like that of the French Revolution and Napoleon, the connection of events will be better understood and the continuity of historical development more clearly displayed by this method, than by any other.

The series is intended for the use of all persons anxious to understand the nature of existing political conditions. "The roots of the present lie deep in the past," and the real significance of contemporary events cannot be grasped unless the historical causes which have led to them are known. The plan of the series will make it possible to treat the history of the last four centuries in considerable detail, and to embody the most important results of modern research. It is hoped therefore that the forthcoming volumes will be useful not only to beginners but to students who have already acquired some general knowledge of European History. For those who wish to carry their studies further, the bibliography appended to each volume will act as a guide to original sources of information and works more detailed and authoritative.

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PREFATORY NOTE.

THE aim of this little book is to trace the steps by which the American people and its peculiar type of federal state have developed out of such heterogeneous and unpromising materials for nation-building as were to be found in the English-American Colonies in 1760. Less attention has been given to campaigns and battles than is usual in works of this class, and the space thus gained has been devoted to the elucidation of the deeper causes underlying the American Revolution, and to a detailed account of the period between the close of the Revolutionary War and the inauguration of President Madison.

The Bibliographical Note at the end of the volume is intended to be of service to those who desire to make a further study of American History and not necessarily to indicate the sources of information on which the text is founded. The first six chapters are in fact based on the author's own reading of the original sources. For Chapter VI, however, considerable assistance was derived from Henry Adams's *History of the United States* (1800—1817), and the first part of Chapter VII was drawn mainly from that masterly work. For the remaining portion of Chapter VII, and for Chapter VIII, the biographies and collected writings and speeches of the leading men of that time were perused. Chapter IX is founded mainly on James Ford Rhodes's two volumes on the period from 1850—1860. The author has also read the more important biographies and collections of speeches dealing with that epoch; but his principal reliance was on Mr Rhodes's excellent work. It is to be regretted that the present book

was in type before the publication of Mr Rhodes's third volume, covering the critical years 1860—62. For Chapter X the official records and the comprehensive works have been used—especially Colonel Dodge's stimulating *Bird's-Eye View of the Civil War.* John C. Ropes's careful study of the early campaigns (*The Story of the Civil War*, Vol. I) was published too late to be of assistance in the preparation of this account. Mr Ropes, however, has kindly read the proofs of this chapter—a service Dr Justin Winsor graciously performed for the earlier chapters. For their many valuable suggestions the author's thanks are due, as they are also to Professor Prothero, who has laid him under deep obligation. Above all he desires to express his sense of the kindness of his friend and colleague Professor Albert Bushnell Hart, who has read the proofs of the entire work. Perhaps it is needless to add that none of these authors and kind friends is to be held in any way responsible for any errors, whether of fact or of opinion, which may be found within these covers.

The maps were compiled by the author to illustrate this volume, and it is hoped that they will be found useful. It is practically impossible to be absolutely accurate in a work of this size, covering such an extended period and dealing with so many disputed events. It is sometimes impossible for an American to appreciate the motives of his "kin beyond sea"; and it is not always easy for him to do justice to his own countrymen. The utmost that an historical student can do is to study and write without malice in his heart—and this the present writer can fairly claim to have done. He will cordially welcome the discovery and communication of any error.

EDWARD CHANNING

CAMBRIDGE, MASSACHUSETTS,
October, 1895.

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THE UNITED STATES OF AMERICA

1765—1865.

CHAPTER I.

THE COLONISTS, 1760–65.

THE colonists numbered in 1760 about sixteen hundred thousand souls, whites and negroes, slaves and freemen, foreigners and native born. They are always described as English Americans; and, as a matter of fact, the English race was the predominant element. But nearly all the more important branches of the Germanic and Keltic races were represented among them. There were no Slavs, however, and thus, as Mr Henry Cabot Lodge has pointed out, the whites, although representing many nationalities, belonged to the two branches of the Aryan stock which have always shown great powers of amalgamation. The several elements which made up this population were so intermingled that some care is needed to separate them.

The New England Colonists.

In New England and in the eastern and older settled portion of Virginia the whites were of pure English extraction—that is to say, their ancestors all came from the southern portion of Great

Britain. The people of Connecticut probably held in their veins the purest English blood of any single group of colonists. In Massachusetts there was a slight mixture of Scottish blood, introduced by the prisoners deported by Cromwell after the victories of Dunbar and Worcester. There was also a small French element in the population of the Bay Colony. This comprised the descendants of the Huguenot refugees, who fled from France after the Revocation of the Edict of Nantes. Few in point of numbers, they were still of considerable importance. Peter Fanueil and James Bowdoin, of this stock, were among the most eminent Massachusetts men of their times. In Rhode Island, the Huguenot descendants formed a larger proportion of the population; but, considered numerically, they were insignificant. There were also a few Portuguese Jews living at Newport. With these exceptions, the New Englanders were of pure English blood—descended for the most part from the people of the eastern counties. Therefore, they in all strictness may be termed English.

The Southern Colonists.

The earlier settlers of the tide-water portion of Virginia—the section containing the large tobacco plantations—were likewise of pure English extraction. The later comers to the Shenandoah Valley and to the slopes of the Blue Ridge were English and Scotch-Irish Presbyterians. Intermingled with them was a strong body of German Protestants who had reached that country through Pennsylvania. This combined Scotch-Irish and German folk penetrated farther south and west along the foot-hills of the Appalachian Mountains. They formed the bulk of the settlers in the "upper regions" of the Carolinas. This racial element in the interior of the Southern Colonies—entirely unlike the older settlers on the seaboard in blood, religion, and institutions—was a factor of importance in the history of the South. A strong, God-fearing race, it produced two of the most remarkable figures in the annals of

America—Andrew Jackson and John C. Calhoun. Unlike the inhabitants of tide-water Virginia, the dwellers in the lowlands of the Carolinas and Georgia were largely of non-English blood. The Huguenots were especially strong in South Carolina, and among them were some of the most prosperous and public-spirited families of the colony. The South German Protestants, or Salzburgers as they were termed, formed an important portion of the inhabitants of Georgia. Scattered here and there throughout the Carolinas and Georgia were groups of Scots who had migrated thither after the final overthrow of the Stuart cause at Culloden and the subsequent breaking down of the clan system by the English government. Among them were Flora MacDonald, the saviour of Prince Charles, and her husband, who was a man of some influence among his neighbours. The recent immigrants from Scotland, some of whom had done their best to overthrow the Hanoverian dynasty in 1745, remained true to George the Third in 1776. A few returned to Scotland and others enlisted in the loyalist regiments. Many of them however remained on their farms and played important parts in the terrible internecine conflicts which devastated the frontier settlements of the Carolinas.

The People of the Middle Colonies.

It was in the colonies lying between the Hudson and the Potomac that the greatest diversity of race was to be found. In New York there were the Dutch, descendants of the first settlers, and now well reconciled to the English domination; but no Irish Catholics lived there before the Revolution, owing to the severe anti-Catholic laws till then in force in that colony. In the interior, along the banks of the lower Mohawk, dwelt a large and prosperous body of German settlers. This element at one time had been much larger, but many families had been lured to Pennsylvania by promises of lavish grants of land. In Pennsylvania, indeed, there were representatives of nearly

every nation of Western Europe. Side by side with the descendants of the early Swedish, Dutch, and English colonists might be seen Germans of all shades of religious belief, Lutherans and Calvinists, Quakers and Mennonists, and other sects almost without number. There, too, were Spanish and Irish Roman Catholics—for in that colony the adherents of all Christian faiths enjoyed full civil rights. In New York and Pennsylvania, as well as in Rhode Island, there were Jewish congregations. In Pennsylvania only Christians could hold office, but in Rhode Island a Jew could obtain the right to vote by means of a special act of the colonial legislature. Nowhere was the Jewish element of much importance in 1760. It is clear from this brief statement of facts that there was no well defined race which could be called American then living in the colonies. This will be made more evident, perhaps, by an analysis of the population according to colour and place of birth.

Distribution of the population.

About one half of the colonists lived on either side of the southern boundary of Pennsylvania. This line had been settled by an agreement between the heirs of William Penn, founder of Pennsylvania, and those of Cecil Calvert, Lord Baltimore, under whose direction Maryland had been colonized. It was defined for a considerable distance by two English surveyors, Mason and Dixon. Separating Pennsylvania from Maryland and Virginia, Mason and Dixon's line at first divided the northern colonies, where agriculture was diversified, from the southern colonies, where one or two staple products were the rule. Later in the history of the country, it became the dividing line between the slave and free states east of the Appalachian Mountains; and, in this sense, has immortalized the names of its early surveyors. The statement that this line divided the population into two nearly equal parts requires further examination. There were in the colonies in 1760 about four hundred thousand negro

slaves. Of these some three hundred thousand lived in the southern colonies, the remainder being owned and employed in the North, mainly in New York and Rhode Island. Subtracting the negro population from the total population of the two divisions, it is found that there were about seven hundred thousand whites in the North and not far from five hundred thousand whites in the South. Probably between four and five hundred thousand of the colonists were immigrants—including in this estimate seventy-five thousand negro slaves, for the slave-trade was then in active operation. The population of the colonies, therefore, was divided by race distinctions, by colour, and by length of exposure to colonial institutions. It would appear, in point of fact, that the problem of assimilating the "foreign element" was certainly not less serious in 1760 than it has been at any other time in the history of the country. This was especially true because a majority of these recent immigrants were not English either by birth or by speech. Among them were some of the most prominent leaders in the Revolution. For example the first two great financiers of the United States, Robert Morris and Alexander Hamilton, were born outside of the colonies—and it may be added that Albert Gallatin, the only man among the early financiers who can claim a place with these two men, was like them born without the limits of the United States. Notwithstanding the great diversity of the population, race conflicts seem to have been very rare, and, except in New England, the immigrant was everywhere welcomed as an addition to the wealth of the country.

Physical conditions.

The colonists then inhabited that portion of North America which lies between the thirty-first and the forty-fifth parallels of north latitude and between the Atlantic Ocean and the Appalachian Mountains. To understand the history of this people, it is necessary to know something of the conditions of life prevailing in this

region of their activity. One of the first things which impresses the student is its general suitableness for colonization. There were scarcely any swamps to require expensive and long-continued draining, although, on the other hand, the land was covered with forests which had to be cleared away before husbandry could be begun. The new land was provided, however, with an agricultural product—the well-known Indian corn or maize—which throve on an irregular cultivation and supplied the colonist, after a few months, with the means of existence. Furthermore, this region was accessible from the sea to an extent scarcely equalled by any other country on the earth's surface. The colonies, therefore, were easily reached and easily made to produce enough food to save the colonists from starvation.

Climate and products.

The next thing to be noted is the fact that the climatic conditions were extraordinary. The following table, extracted from Professor Whitney's *United States*, will well repay a cursory examination.

Place.	Latitude.	Mean Temperature of the Year.	Coldest month.	Warmest month.	Diff. Year.
Nain, Labrador	57° 12′	25°.16	3°.82	51°.08	21°.6
Aberdeen, Scotland	57° 12′	46°.76	37°.22	57°.74	
St John's, Newfoundland	47° 36′	40°.10	22°.46	59°.54	13°.5
Brest, France	48° 24′	53°.60	42°.44	64°.76	
Halifax, Nova Scotia	44° 42′	43°.34	22°.64	64°.40	11°.7
Bordeaux	44° 48′	55°.04	42°.44	69°.08	
New York	40° 50′	51°.08	28°.94	75°.56	10°.6
Naples	40° 48′	61°.70	48°.20	77°.18	
Norfolk, Virginia	36° 50′	59°.18	40°.28	78°.62	4°.3
San Fernando, Spain	36° 30′	63°.50	52°.70	76°.10	

It will be noted, for instance, that while the difference between the mean yearly temperatures of Aberdeen (Scotland) and San Fernando (Spain) is seventeen degrees, the difference

between the mean yearly temperatures of Nain (Labrador) and Norfolk (Virginia)—situated in nearly the same latitudes as Aberdeen and San Fernando, is thirty-four degrees, or exactly double. Perhaps the dissimilarity of the climates of Europe and America can be best elucidated by comparing the climatic conditions of New York and Norfolk on one side of the Atlantic with those of Naples and San Fernando on the other side. The difference in latitude is about four degrees in each case. The difference in the temperatures of the coldest months in the European cities is four and one-half degrees against a difference of twelve degrees on the western side of the Atlantic. It may be added that, proceeding southward from Norfolk, a region is soon reached where the winters are comparatively mild. This sudden change in the isothermal lines indicates a great variety of climatic environments within a comparatively small area, with a corresponding diversity of agricultural produce, and, indeed, of general employments as well. New England, for example, produced fair crops of potatoes, onions, and Indian corn, provided the farmer devoted much labour and care to their cultivation. The Middle Colonies yielded large crops of Indian corn and wheat, at the cost of much less labour and care. Virginia produced tobacco of excellent quality and in great abundance; and the extreme southern colonies were remarkably well suited for the cultivation of rice and cotton. It can be seen, therefore, that in 1760 a small population, scattered through a region eleven hundred miles long and three hundred miles wide, produced commodities associated in other lands with the northern, temperate, and tropical zones.

Variety of employments.

This great diversity in employments and in conditions of life reacted on the habits and ideas of the people of the several sections and made against political union throughout the whole history of the people inhabiting this country. Thus the New Englanders, able to wring a bare subsistence only from the soil, became,

almost of necessity, manufacturers, mechanics, and merchants. They ventured upon the ocean and carried the fame of Boston to every port open to Englishmen. They also became fishermen and drew wealth from the shoals of fish which visited their shores. In whatever pursuit they entered, the New Englanders were almost invariably successful, and retired in old age with competences—earned, however, by the most strenuous exertions and by great personal sacrifices. This hard struggle with nature and with man bred in them a shrewdness, unequalled perhaps, but not always admirable. The people of the Middle Colonies were beginning to turn their attention to the arts and to commerce. New York and Philadelphia were already large and prosperous seaports. But the most important interest of the Middle Colonies—in the pre-revolutionary days at least—was the production of food-stuffs. There the farms were large, and labour, to an extent unknown in New England, was supplied by "indented" white servants and by negro slaves. South of Mason and Dixon's line, the scene rapidly changed. As one proceeded southward, the cultivation of food-stuffs, except for local needs, diminished, and that of tobacco occupied the energies of the inhabitants. Following this change of product, slave labour became more frequent, until, in the rice and indigo producing colonies of South Carolina and Georgia, a white labourer was not to be found—except in the new settlements on the mountain slopes, where the conditions were similar to those which prevailed in the Middle Colonies.

Social conditions.

These several environments produced a marked effect on the social structures of the different sections. In New England, society was, so to speak, homogeneous in its very variety. It is difficult to conceive of class distinctions in a country where one man performed many functions each year, and was perhaps, at one and the same time, interested in half a dozen employments—by turns a farmer, an artisan, a fisherman, or a trader, as the

seasons or the work demanded. The chief inequality was in that of accumulated wealth; and the Calvinistic dogmas of the Congregational Church did much towards equalizing the lots of the rich and the poor. In the Middle Colonies the case was different. There the merchants of the great cities and the tillers of the river valleys were far apart in their ideas of life. The farmers of Central and Western Pennsylvania were the earliest and most earnest of democrats, holding ideas abhorrent to the feelings of their fellow colonists in Philadelphia.

In the South, society was based on an aristocratic model. There, land was held in large estates by a comparatively small number of land and slave owners. In Virginia, these landowners possessed entire power in State and Church, tempered to a very slight extent by the presence of a royal governor. At the first glance, few positions in life seemed more desirable than that of the successful Virginia planter. In company with the Maryland planters, he possessed a monopoly of the British tobacco markets. Excellent tobacco was produced in North Carolina; but, at that time, it was scarcely known outside the tobacco colonies. This was due to the fact that the most practicable route from the North Carolina tobacco fields to the seaboard was through Virginia. The tobacco growers of the latter colony imposed a small duty on all tobacco imported into Virginia and thus excluded North Carolina tobacco from the markets of the world. The whole life of Virginia was dominated by the exigencies of tobacco culture. Large plantations, slave labour, poor and wasteful cultivation, a single crop with its attendant fluctuations, all appear to have been the direct result of tobacco growing. There was one commercial town in the tobacco colonies—Baltimore in Maryland. But Baltimore belonged to the valley of the Susquehannah and not to that of the Potomac —it was to most intents and purposes a Pennsylvania seaport.

Virginia.

The great arms of Chesapeake Bay—known as rivers—the James, the York, the Potomac and the rest, were navigable for long distances from the bay. The sea-going vessels loaded within a short distance of the tobacco fields—oftentimes within sight of the planter's verandah. Thus it came about that there was no business transacted in Virginia. The planter consigned his year's crop to his correspondent in London, sending also a long list of goods to be purchased there and sent out in the tobacco ships a year later. The temptation to order more goods than the proceeds of the tobacco would pay for was very great, and it was difficult, too, to calculate closely the precise amount that the tobacco would realize. At all events, the planter soon found himself in debt to the factor, and before long the proceeds of one year's crop would be used to pay the debts already contracted. So the process went on, the planter living in apparent comfort, yet always on the edge of bankruptcy. Of course, here and there, good managers could be found—like George Washington;—but it seems to have required great skill and forbearance to make even a large plantation yield any net return. The Virginia planters were men of large proportions—managing affairs on a large scale and taking liberal views of everything, except when the interests of their own class were menaced; then they became as hard and narrow as the typical Yankee. There is something fascinating in the descriptions of the old Virginia houses and house-life which have been left by travellers of the olden time. Yet we know from the same travellers that, even in Virginia's best days, one might sit down to dinner in one of their splendid rooms—the table set with fine plate and the appetite sharpened with costly wines, when at the same time the window, out of which one looked, might lack several panes of glass, the door be without a knob, the shutters hanging by one hinge, and the whole mansion in a condition of partial ruin. This was due to the fact that negro slaves and free white mechanics seem never

to have been able to thrive together. The glass for these planters' houses had been brought from England, and all the finished woodwork from the North, while the workman who put them together had been imported for that purpose. The blood and sinew of Virginia was in the middle class of whites, those owning small estates and a few slaves. They were in some cases ignorant, and generally lacked the polish of the great planters. They were of the best British stock, however, and capable of development. To this class belonged Patrick Henry and John Marshall, while Washington, Jefferson, Madison and John Randolph represented the richer and more aristocratic class.

The Rice Planters of South Carolina.

The only other product which determined the whole life of a people was rice. It was produced mainly in South Carolina. Grown in malarial regions, its cultivation was fatal to the whites, and only less so to the blacks. The rice planters, unlike their Virginia congeners, could not live on their plantations, except for a brief period in each year. They passed most of their time in the principal town of the colony, Charleston—which enjoyed the almost unique position of being a capital, a business metropolis and a summer resort all in one. The rice planters formed a well-knit aristocracy. The handling of the crop was performed by the merchants of Charleston, men of means and enterprise. Many of the men of both these classes had been educated in England or in the North. In their hands centred all power, for government was centralized in South Carolina as it was in no other colony. They formed a true oligarchy. Born and bred to habits of command, they enjoyed an influence far beyond what their numerical importance or their wealth would seem to justify. South Carolina was prosperous in 1760—forty years before the profitable cultivation of cotton began. This prosperity rested to a great extent on the use of slave labour, which seems to have been considered essential to the well

being of South Carolina in 1760, as it was deemed to be one hundred years later.

Slavery existed in all the colonies before the Revolution. In the North it was everywhere dying out because it was unprofitable, except on the shores of Narraganset Bay and on the banks of the Hudson River. In Boston and New York City the possession of a young negro was regarded as undesirable. There does not seem to have been any widespread moral sentiment against slavery, but the institution had no place in the economic environment of the northern colonists. South of Mason and Dixon's line this was not true. The following definition of the word slaves taken from the early Virginia statutes is interesting for many reasons. It reads as follows:

Negro Slavery: North and South.

"All persons who have been imported into the colony and who were not Christians in their native country—except Turks and Moors in amity with his Majesty, and those who can prove their being free in England, or in any other Christian country—shall be accounted and be slaves, shall be bought and sold, notwithstanding their conversion to Christianity after their importation."

From this it can be seen that slavery was regarded by the Virginians as justifiable because the slaves before importation were not Christians, so that the knowledge of Christianity given them in Virginia might be considered as an equivalent for the use of their bodies during life. This was the ground upon which slavery was justified for many years. One of the best means of determining the extent to which slavery has eaten into the body politic is to observe the stringency of the laws designed to prevent the amalgamation of the two races and to prevent insurrection. That slavery was a firmly established institution in Virginia becomes evident when one reads in the statutes of the Old Dominion that a white man marrying a

Slavery in Virginia.

negress shall be banished and the clergyman who performed the marriage service shall be subject to a heavy fine. A negro found abroad after nine o'clock at night might be dismembered, and no penalty beset the slave-owner whose slave died during or in consequence of punishment. In Virginia, there were many white bondservants working and living with the negro slaves. This probably mitigated to some extent the lot of the slave. Moreover the cultivation of tobacco was healthful and easy; and, taking everything into consideration, the treatment of the blacks, while harsh in comparison with that in New York, seems to have been mild when compared with their usage by the planters of South Carolina.

Slavery in South Carolina.

In the latter colony the slaves were largely men and women of African birth, carried to Charleston and other southern seaports from the western coast of Africa by the northern slave-traders. They were, therefore, more savage and uncivilized than were the negroes of the tobacco colonies, who were mostly descendants of slaves brought over in the preceding century. The South Carolina negroes may have required harsher treatment to keep them in subjection. Moreover the conditions of labour in the rice colonies were far more severe than farther north. Even the negroes could stand the pestilential rice swamps for a few years only. It became profitable, therefore, to work them to the best advantage during their years of greatest vigour. This naturally tended to increase the severity of their treatment. Another thing which made in the same direction was the fact that the owner was absent from his plantation during the greater part of the year. Thus instead of the patriarchal form which slavery assumed in Virginia, in South Carolina it was simply a business matter. The slaves and the plantation were handed over to an enterprising overseer; and the best overseer was he who secured the most advantageous returns. Finally, the fact that the blacks outnumbered the whites necessarily led to most stringent laws.

Slave insurrections occurred from time to time; and a formidable one in 1740 led to a revision of the slave laws of the colony. A few points gathered from this revised code will demonstrate the extent to which slavery dominated South Carolina. In the first place the greatest care was taken to prevent slaves from combining against the whites and securing fire-arms. No one, not even a slave's master, could permit a slave to have a gun in his possession after sundown; and all slaves found on the high road at any time could be stopped and arrested unless they could show a "ticket" from the master permitting them to leave the plantation. The legislators were especially fearful lest the blacks congregating at Charleston on some holiday or some Saturday afternoon or Sunday should massacre the whites in a body. To prevent this, no master could give his slave a "ticket" to visit Charleston at such times under penalty of a heavy fine. In the second place, the judicial procedure in the case of a negro slave was peculiar. Jury trials were held only when a negro claimed his freedom. All other cases in which negroes were concerned were tried by a court at which one justice with two freeholders in capital cases, and a justice with one freeholder in less important cases, formed a quorum. In the latter class of trials, the justice gave the decision with the consent of the freeholder. In capital cases the trial was to be held within six days of the apprehension of the alleged negro offender, and execution followed immediately on the giving the sentence. This was substantially the system in vogue until 1865. Among the capital crimes in 1760 were running away, wounding a white person, burning or destroying rice, corn, grain, pitch, etc. To limit, if possible, the practice of escaping to the Spanish settlements in Florida, considerable rewards were offered for the apprehension of negroes south of the Savannah River—the rewards in 1740 being £50 if alive or £10 for the scalp. The ordinary reward for the scalp of a runaway negro was £1.

A very considerable portion of the labour of the colonies was provided by the employment of white persons bound to service for a term of years. Some of these servants came to America of their own accord and sold their services to secure the means to provide for the expenses of the transfer from the old world to the new. These were called "Redemptioners" or "Free Willers," and were a most respectable and desirable class of immigrants. They were to be found most largely in Pennsylvania. At the termination of their terms of service they were given a start in life by the colony and the master, the colony furnishing land, and the master agricultural implements. Another class of bondservants were not so desirable, namely the "indented" servants drawn from the criminal classes of Great Britain. The Habeas Corpus Act of 1679 provided, among other things, that no subject should be sent to foreign prisons, or to parts beyond the seas, except those who in open court should request to be transported. Early in the reign of George I, Parliament provided that persons sentenced to whipping and branding might have their sentences commuted to seven years' service in the colonies; those liable to capital punishment might satisfy the requirements of justice by fourteen years' service; in either case, return to Britain before the expiration of the term of service was punishable with death. The contractors, who paid the expenses of the transportation of the convicts, were entitled to the services of such persons for the required terms and might assign their rights to others. Two other acts were passed "for the more speedy and effectual transportation of criminals," and the practice was continued till 1770 at least. For reasons not now clearly ascertainable most of these convicts were sent to Maryland and Virginia—indeed, those colonies seem to have been regarded almost in the light of penal settlements. The people of Virginia and Maryland strenuously objected to this influx

White servants and convicts.

of criminals; and sought to keep them out by laws imposing head money and long quarantines. But these laws, as well as those designed to prevent the importation of negro slaves, were annulled or vetoed by the king. The great mass of the immigrants who came over in the first half of the eighteenth century were either "Free-Willers" or, more often, persons who paid their own expenses. It will be interesting to note some of the reasons which induced these immigrants to settle in one colony rather than in another.

Religion and Toleration.

The chief attractions seem to have been (1) the enjoyment of civil rights, (2) freedom to exercise one's own religion, and (3) the prospect of becoming an owner of land. By this time the best land near the sea-coast was already occupied. But there were still vast tracts in the interior, either on or near navigable streams, to be had for the asking. In Virginia, in order to secure fifty acres of land for himself and for each adult member of his family, the immigrant was only obliged to present himself at the proper office with the necessary papers. In some cases, grants of land were made to a prospective immigrant before his departure from Europe. Oftentimes, with a grant of land, there would be given a further inducement in the shape of an exemption from taxation for a certain number of years.

Religious considerations, however, had more weight than any other one thing in determining the direction of an immigrant's course. New England was still Puritan in religion and in the conduct of daily life, and, as a matter of fact, remained so for a half century longer. But as the Puritan movement had long ceased in England, there were no emigrants of that persuasion. Consequently the religious appearance of New England, during the eighteenth century, deterred foreigners from seeking its shores. There was, indeed, a smaller proportional emigration to the eastern colonies than to any other section. As has been said, the land was

already fully occupied. The New Englanders themselves became emigrants later on, exchanging the rocky and sandy soil of the interior and the coast for the fertile valleys of the Mohawk and the Ohio and the coasts of the Great Lakes.

The Roman Catholic, who desired to better his condition by emigration to the western world, found only one colony, Pennsylvania, where he was accorded full civil and religious liberty. Rhode Island, usually so liberal in religious matters, had on her statute book a law excluding the Roman Catholics from the exercise of the franchise. A law of New York, passed in 1700 and not repealed until after the Revolution, provided that, after the first day of November of that year, a Roman Catholic priest found within the limits of the colony should be "adjudged to suffer perpetual imprisonment; and if any person, being so sentenced, and actually imprisoned, shall break prison and make his escape, and be afterward retaken, he shall suffer such pains of death, penalties, and forfeitures as in cases of felony." It is, perhaps, needless to say, that in all the other colonies, excepting Pennsylvania, Roman Catholics were deprived of the right to vote until after the Revolution. Maryland, which had been settled under Roman Catholic auspices, was now in the hands of the Protestants. There were many Roman Catholics in Maryland, descendants of the early settlers. They were treated with a harshness likely to deter others of that faith from entering the colony. They were excluded from office, disfranchised, obliged to pay a double land tax, and to contribute toward the support of the Established Church. In Virginia, however, we find the severest laws against the Roman Catholic laymen, probably because the Virginians feared an incursion from Maryland. In the Old Dominion a Roman Catholic could not vote or bear witness in any case whatever in a court of law, not even against his own negro slave, nor possess fire-arms of any description. In view of these

The Roman Catholics.

men for its mission stations in New England and in the South, where the religious competition was keen, but left Virginia and Maryland to the care of the metropolitan, the Bishop of London, who was charged with their supervision. The bishop was represented by an officer termed a Commissary. But the Commissaries had great difficulties to contend with. In Maryland there was constant friction between the Church and the State, and in Virginia the vestries, controlled by the planters, had obtained entire control of the patronage of the Church, and refused to hire a parson for more than a year at a time. They thus held the clergy in a state of subjection. Of course there were many admirable clergymen in both these colonies, but in general it may be stated that in Virginia the clergy condoned the vices of their patrons, and in Maryland some of them surpassed their parishioners in all that was bad, so that the phrase "a Maryland parson" became a term of reproach. In these circumstances, it seemed desirable to have an American bishop in direct charge of the clergy of the Church of England in the colonies. It happened, however, that in England the bishop enjoyed considerable civil power. It was stated over and over again that any bishop who might be appointed for America would have only such civil power as the laws of each colony might give him. The Dissenters, forming the great mass of the people, felt that, although this might be the case in the beginning, in the end the bishop would surely gain a great deal of power. They enlisted the sympathies of their fellow Dissenters in England and in this way prevented any such appointment from being made. Nor was the case much better with the American clergy. They, with few exceptions, did not want a bishop. Some of them even refused to have the honour thrust upon them. A Maryland clergyman, who finally set out for England to obtain consecration, was met at the point of embarkation by a writ of *ne exeat regno* which prevented his

An American Bishop proposed.

leaving the colony. This contest, however, kept alive a spirit of opposition to England, which some students regard as among the most potent causes of the Revolution; but very likely the matter has been exaggerated. Later on, the Revolution, by doing away with the authority of English law in the United States, at once removed all objections to the appointment of a bishop, and since that time the Episcopal Church has shown great vitality.

Naturalization of foreign Protestants.

The third great inducement to a Protestant immigrant from without the dominions of the British monarch was the enjoyment of full civil rights within the limits of the English colonies. This was a wide departure from the practice of other nations, and from earlier English usage. The historical importance of this first step toward breaking down the doctrine of inalienable allegiance can hardly be overestimated. It is important also to understand the position of the British Parliament at this period in connection with the subsequent impressment controversy between the United States and Great Britain. The British Parliament in 1740 passed an Act (13 Geo. II, cap. 7) conferring all civil rights within the colonies—though not in Great Britain—on foreign Protestants who had resided there for seven years. In addition, many of the colonies passed laws conferring rights of citizenship within the colony after a much shorter period of residence, in some cases requiring only one year. The policy outlined in these acts has been followed in the United States ever since. The religious qualification disappeared at the Revolution, and the only exception to the enjoyment of full civil rights is the provision in the Constitution that the President of the United States must be native born. The period of residence has been changed twice. It is now five years in the general law. Many bands of immigrants, to return to colonial times, were naturalized by special colonial acts before their departure from their old homes.

The eighteenth century is remarkable for the rise of the legal profession in the colonies as well as in England. At the time now under review, Blackstone was writing his *Commentaries*, and Mansfield and Camden occupied the two foremost places on the bench. In America, even in New England, where the clergy had long held an undisputed sway, the lawyers were fast becoming the leaders of political thought. James Otis and John Adams in Massachusetts, Stephen Hopkins and William Ellery in Rhode Island, Roger Sherman and Oliver Ellsworth in Connecticut, wielded a power equalled only by that of the Puritan divines of a century before. Robert R. Livingston and John Jay of New York, with Andrew Hamilton and Thomas McKean of Pennsylvania, were among the founders of the renowned bars of those colonies. In Virginia, Patrick Henry and Thomas Jefferson, with the Pendletons and Randolphs, formed a brilliant group, while South Carolina furnished several able lawyers like the Rutledges and the Pinckneys. These lawyers were all learned in the Common Law, and many of them were well versed in the Constitutional History of England. They gave a legal and constitutional cast to the earlier phases of the Revolution. Later, in combination with business men and men of affairs, they elaborated in the most durable and efficient forms the constitutions of the several states, and, later still, the constitution of the nation.

The legal profession.

The medical profession was just starting into vigorous life; and the seat of the earliest medical school was in Philadelphia. A small and active set of men had also made some progress in the direction of physical science, and the names of Benjamin Franklin and David Rittenhouse are even now held in high esteem by scientific men. Philadelphia was also the seat of the beginnings of university education in America, for there was founded the first school having as its object scientific and not theological investigation.

Early Colleges.

There were then in the colonies some half-dozen institutions of learning, bearing the designations of college or university: Harvard, Yale, King's (now Columbia), New Jersey (better known as Princeton), Pennsylvania, and William and Mary. With the exception of the University of Pennsylvania, they all owed their origin to the desire of the communities in which they were placed for a learned ministry of some particular faith. Thus Harvard, the oldest of them, was founded in 1636 to supply clergymen of the Independent persuasion, while Yale was founded at the beginning of the next century to furnish Puritan divines of a slightly different dye; King's was in the hands of the Episcopalians, Princeton was a Presbyterian seminary, and Commissary Blair had secured the endowment for William and Mary to provide Virginia with an efficient clergy of the Established Church. The University of Pennsylvania was due largely to Franklin, to whom all religions were much alike. Founded in 1749 on a liberal basis, it proved very successful and grew rapidly. In 1756, there were four hundred students on its list. None of these institutions were much above the grade of high schools; still they produced some good scholars of the older type and kept alive a love of learning. Students came to them from all parts of the British Empire, attracted, in many cases, by the soundness of their theology in some one direction. On the other hand, many young men went to England for an education. This was notably the case as to the sons of the rice planters of South Carolina, and, to a lesser extent, of the tobacco growers of Virginia.

Secondary Education.

The system of free public schools had its rise in New England in the middle of the seventeenth century, and may be regarded as an offspring of the English Reformation. In most places, provision was made for the teaching of reading, writing, and elementary mathematics; but the larger towns were required to provide suf-

ficient instruction to fit students for college. At the beginning of the Revolution, Rhode Island, alone of the New England colonies, had no free public school system. The Dutch had provided educational facilities for their children in New Netherland. After the English conquest, however, constant disputes had arisen as to the maintenance of these schools at the public expense, as they were intimately connected with the religious establishments of the conquered Dutch. This was unfavourable to the extension, and even to the existence, of a free school system; and, as late as 1760, there does not appear to have been any provision for general public instruction in New York. In New Jersey and Pennsylvania, the Quakers and Presbyterians were strenuous in their efforts to establish a system of free public education. The "log colleges," maintained by the latter sect in the remoter parts of Pennsylvania, served a most useful purpose, and may be regarded as the prototype of the "district school" of a later day. Nowhere was greater effort made to educate the immigrants than in Pennsylvania; and nowhere does education seem to have been more highly prized. The legislature of Maryland had provided in 1723 for the establishment in every county of a school where grammar, writing and mathematics should be taught by a member of the Established Church. Something was done towards carrying this policy into effect; but interest in the matter was short-lived, and the religious tone given to the schools in a colony, where the Dissenters were very numerous, accounts, in part at least, for the failure of the scheme. There were a few schools supported by general taxation in the colony; but they were feeble in every respect and exerted little influence. The conditions of life in Virginia made it difficult to provide educational facilities for the whites. Efforts had been made, from time to time, to remedy the defect of a total lack of schools, but with slight success. William and Mary College resembled in many respects an English public school of the old days. Most of the

more prosperous planters employed private teachers—generally clergymen—and these, in combination with the college, furnished the young Virginians of the higher class with an excellent education. The love of reading seems to have been widespread in the Old Dominion; and the colony contained in 1760 a goodly number of men, who were fair classical scholars and were very familiar with English history and constitutional precedents. There does not seem to have been an educational institution of any kind in North Carolina in 1760. The legislature of that colony had made provision for the founding of a seminary of learning; but the act had been vetoed by the king. It should be stated, however, that two schools were founded in North Carolina within the next ten years. There was no system of general education in South Carolina, and the mass of the white population was without any means of securing knowledge. On the other hand, the richer planters were well educated. Taking the colonies all through, and bearing in mind the large number of recent immigrants, it may be said that the mass of the whites possessed the rudiments of learning, and that a very large proportion of them were well educated. For learning itself the colonists had little sympathy, although they recognized the desirability of knowledge for the power it conferred on its possessor; this, indeed, was their method of estimating the value of nearly everything.

Inter-colonial communication.

There was little intercourse between the people of the several colonies in 1760, and almost none, in fact, between the people of the North and the South. The roads, even in the older settled regions, were few in number and very poor in quality—for the most part being mere "dirt-roads," almost impassable during a portion of the year. Throughout the colonies, settlement was restricted mainly to places within easy distance of navigable water. Nearly all the inter-colonial communication was by water, and, at best, was very difficult, not to say dangerous. The passage

which is now made in one night by the large steamboats which ply on Long Island Sound then required a week's time and often more. In England, the era of coaching was beginning; but on the western side of the Atlantic, colonial roads and lack of business warranted no such regular and expensive accommodation—except for short distances in the vicinity of the larger towns. It then cost as much to send a letter from New York to Boston as it cost to send a letter from New York to London, and one-third as much to send a letter sixty miles inland from New York as to either of the cities just mentioned. Nor was the rate low enough to encourage frequent communication, as it cost a dollar to send one ounce of mail matter from New York to Boston; the same service is now performed for one fiftieth of that sum—not taking into account the difference in the value of money. In 1766, the rates for inter-colonial water communication were reduced to one-third of the 1760 rate. Owing mainly to the great expense attending the transportation of commodities and the spread of "news," the conditions of colonial life, away from the larger towns, were not unlike those which prevailed in England in the Middle Ages. The greatest differences, perhaps, were to be found in a change in ideals and in the possibilities of existence.

American Ideals.

Most colonists realized that there was a better mode of life than that which they were obliged to lead. They knew also that the way to that better mode of living—so far, at least, as they were concerned—lay in the possession of wealth. Wealth also conferred power on its possessor. In common with many other persons they confounded money with wealth, and in this way the acquisition of money became the one great all-absorbing task of the colonists. In England, as well as in western Europe, the old social systems remained. In those countries a man ordinarily lived and died a member of the class into which he had been born—an agricultural labourer or a mechanic seldom attained

any higher grade. In the colonies the class distinctions, which rested on the written and unwritten laws of society, were fast disappearing. As the second half of the eighteenth century is passed in review, the attentive student will observe that in the colonies each year saw some social barrier swept away—one might almost say that each month saw something done toward the democratization of colonial society. It thus came about that the possession of wealth on the western side of the Atlantic Ocean was equivalent to a patent of nobility in Great Britain. Few travellers understood the meaning of the intense struggle for wealth which all recognized as dominating American life. The people seemed to be struggling for money for its own sake, so to speak. In reality, they were intent on its acquisition for the power and social position its possession would confer on the possessor and his family. The ignorant immigrant, in this regard, evinced more intelligence than the cultured traveller. In his old home in Great Britain or Ireland, he led an easy careless existence. In the new world he rose early and worked the day through with a feverish anxiety as if conscious that every tree he felled on his little clearing in the wilderness placed him nearer his goal. In all this, however, the mainspring of his action was a most commendable desire to seize the opportunity which was suddenly placed before his eyes to better his condition. In thus raising his own level, the colonist felt that he was working toward the bettering of the condition of all the colonists and indeed of the human race. He seemed to be conscious of the grandeur of the undertaking, and "appealed to the world" in justification of his course.

Colonial Governments.

The "English colonies" on the continent comprised, in 1760, thirteen governments. They may be described as belonging to one of two forms, royal provinces governed directly by the Crown, and colonies in which the right to exercise many of the func-

tions of the Crown had been delegated to persons called proprietaries or to the voters of the colony as in the cases of Connecticut and Rhode Island. The English settlers, to whichever colony they went, carried with them to their new homes "as much of the common law of England as was applicable to their condition." The qualification, contained in this latter phrase, made the constitutional relations of the colonists to the Crown and to Parliament very vague and uncertain, and different as to the inhabitants of the several colonies, or of the same colony at different stages in its development. The title of the king of England to the soil was based on the discovery of John Cabot, so far as other Christian monarchs were concerned. According to English legal theories, the king was lord of the soil as territory conquered from the Indians. Acting on this theory, successive monarchs had granted a large part of North America to single proprietors, to groups of proprietors, and to corporations. Most of these grants had in one way or another returned to the Crown, except as to rights which had become "vested." Some of them had been confirmed or regranted under other conditions. In 1774, Jefferson in his *Summary View* stated a different theory as to the ownership of the soil. He said, in substance, that the soil of the colonies belonged to the communities by whose exertions it had been converted to the uses of man, that is to the colonists themselves. The British government had no doubts as to the validity of the legal theory. In 1763 the king, by proclamation, established the water-parting between the rivers flowing into the Atlantic and those discharging into the Mississippi as the western boundary of the seaboard colonies. This seriously limited the extent of many colonies; but his right so to limit them does not seem to have been questioned at that time. In the period of the Revolution, however, the colonists treated the Proclamation of 1763 as of no legal force.

The Crown and the colonists.

The king held the same position toward the colonists, with the exception of the inhabitants of New York, that he held toward the people of Great Britain. They were all subjects of the English Crown. The colony of New York, however, had been settled originally by the Dutch and had been conquered by the English about a century before the time of which we are now speaking. Over it as a conquered colony, and not as one which had been originally settled by Englishmen under license from the Crown, the king wielded authority which he did not possess in the other colonies. For years after the conquest, New York had no representative assembly; but this had been remedied and the government of New York had been assimilated to that of the other royal provinces. The king could not tax English subjects without their consent, nor could he authorize others so to do. Legislative bodies had been established, therefore, in all the colonies, save New York, soon after their settlement. The earliest of these was the Virginia General Assembly, which met for the first time in 1619. The king's prerogative extended to the colonies, and the judges were appointed by him or by his agents. He was also the head of the military establishment, and where there was a Church establishment he was the head of the Church as well. The royal rights were oftentimes vigorously enforced. The best example of this, perhaps, was the enforcement of the title of the Crown to a share in the catch of whales and other "royal fish" on the American coast.

Parliament and the colonists.

In the earlier time, the kings, beginning with James I, had denied to Parliament any share in the direction of colonial affairs. But during the Puritan régime, the Long Parliament had taken the control of colonial affairs into its hands; after the Restoration, Parliament continued to regulate colonial trade without any protest from the Crown. The Revolution of

1688–89, by making Parliament supreme in the State, completely altered the existing relations between Parliament and the colonial legislative bodies. But before 1761 the colonists had, tacitly at least, acknowledged the supremacy of the Imperial Parliament. They had not objected to the regulation of colonial trade by act of Parliament. They had accepted without remark the Post Office Act of Queen Anne, which really levied a direct tax on the colonists; and no protest had been raised against the act establishing the New Style, which affected the daily life of every colonist. No direct issue had been raised as to the power of Parliament to levy taxes. It will be convenient to describe in this place, however, the difference which existed between colonial representative institutions and those of Great Britain, for in that difference lay the key to the constitutional opposition to the acts of Parliament in the years 1761–1774.

Representative Government.

The phrase "no taxation without representation" was familiar to both sections of the British people; but it conveyed very different meanings to the people of Great Britain and to those of the English colonies. The members of the British House of Commons were elected in 1760 in accordance with a system which was in itself the growth of centuries of British history. The House of Commons may be said to have fairly represented the several classes of the community—the land-owners and their tenants and labourers, the merchants and their clerks and other employees, the manufacturers and their workmen, the Church, and the legal profession. Although its members were chosen on a basis both of apportionment and franchise, which would not now be tolerated in Great Britain, they were amenable to public opinion and may be regarded as giving the consent of the people of Great Britain to the levying of taxes. In the colonies, representation was apportioned on a territorial basis, an attempt being made in a few colonies

roughly to adjust it to population. The franchise was ordinarily exercised by all adult male whites possessing a moderate amount of property. Plural voting was seldom permitted and representatives were paid for their services. The representatives chosen were ordinarily men living in the district in which they were elected. A colonist in using the phrase "no taxation without representation" meant "no taxation except by vote of a legislative body in which a person known to me and in whose election I have taken part has a seat." An Englishman, using the same phrase, had in his mind an idea which can be expressed in the sentence: "no taxation except by vote of the House of Commons."

Virtual Representation.

The vast majority of Englishmen did not vote for a member of Parliament, but all Englishmen were held to be virtually represented. It was easy to extend the theory and to argue that the colonists were virtually represented as well; and in a measure they were, because merchants interested in the American trade sat in the House of Commons or voted for members of that body. Lord Mansfield stated the theory in a clear manner in his learned speech against the repeal of the Stamp Act. He said: "There can be no doubt but that the inhabitants of the colonies are as much represented in Parliament as the greatest part of the people of England are, among nine millions of whom, there are eight who have no vote in electing members to Parliament. A member of Parliament chosen for any borough, represents not only the constituents and inhabitants of that particular place, but he represents the City of London, and all the Commons of the land, and the inhabitants of all the colonies and dominions of Great Britain." American writers contended, that, granting the soundness of the general theory of virtual representation, there was still a difference in the position of Englishmen having no vote and that of the colonists. Members of Parliament, they argued, were singly and collec-

tively responsible both physically and morally to the English people and to English public opinion, while it was impossible for the colonists to appeal either to their fears or to their interests. There can be no doubt of the legal soundness of Lord Mansfield's argument. Parliament was the supreme legislative body of the Empire under the existing constitution. As it refused to part with any portion of its power, the only remedy was revolution.

The Navigation Acts.

Before the middle of the eighteenth century, Parliament exercised little authority over the colonies except in the matter of trade regulations. This system was designed to promote the interests of all parts of the Empire, those of some in one way, those of others in other ways. The leading acts establishing this Imperial protection policy were mainly those of Charles II and the 7 and 8 William III, cap. 22. These provided that no goods should be imported into or exported out of the colonies except in vessels built within the British dominions and owned and navigated by subjects of the British Crown. It is especially important to observe that this system was intended to confine the trade of the British Empire to British subjects. The colonists shared in this monopoly; and under its stimulus, the colonial ship-building and ship-owning interests flourished greatly. It was further intended to give the profits which should arise from the handling of the staple products of the Empire to British merchants. This was accomplished by providing that certain commodities, which were enumerated in several acts, should be carried to Great Britain alone. These "enumerated goods" included, among others, tobacco, cotton, indigo, copper ore, and furs, all of them products of the "English Colonies" on the continent of North America. To partly compensate the colonists for the loss of the direct trade of continental Europe, the tobacco growers of Virginia and Maryland were substantially given a monopoly of the tobacco

trade of the Empire. On such of these "enumerated" commodities as were liable to duty on importation into Great Britain, a drawback was allowed at the time of exportation. When it was found that the cost of re-handling in England by increasing the price prevented the sale, as in the case of rice destined for Mediterranean ports, such commodity was excluded from the general operation of the acts. In this way, South Carolina rice destined for ports north of Cape Finisterre had to be first landed in Great Britain, but rice destined for ports south of Cape Finisterre might be carried direct from South Carolina. Frequently bounties and premiums were provided, as in the case of naval stores, hemp, masts, and spars. Among the acts designed to protect and stimulate the industries of the English West India Islands was one laying a prohibitory duty on sugar and molasses imported into the continental colonies from any foreign port. This act, had it been enforced, would have inflicted great hardships on the people of New England. But it was systematically evaded by the colonial merchants in collusion with the customs authorities. It is impossible to state whether the net result of this system, taken as a whole, was in favour of Great Britain or of the colonies. As a matter of fact, the colonies were very prosperous under it. This may have been due to the fact that the laws which might have borne heavily on the colonists were practically obsolete. As to the restrictions on manufacturing, there can be no doubt that they inflicted damage on colonial interests.

Restrictions on Colonial manufacturing.

The idea of the English authors of this part of the system seems to have been to keep the British iron mills busy and at the same time to stimulate the production of crude iron in the colonies. To carry out this policy, pig and bar iron were admitted free of duty to British ports, and the manufacture of iron in the colonies beyond the stage of bar-iron was absolutely prohibited. The attempt was also made to restrict the colonial manufacture of

hats to the actual needs of the colonists and thus prevent competition with the English hat-makers. In conclusion, it should be stated that a careful examination of the whole subject does not bear out the assertion, which has often been made, that Parliament was actuated by a selfish desire to promote the interests of subjects of the Crown living in Britain at the cost of other subjects living outside of the realm. On the contrary, Parliament, at least in the earlier time, attempted to legislate in the general interest of all. It would be an interesting inquiry whether the present colonial system of Great Britain, in which many of the colonies hedge themselves about with protective tariffs, is really productive of greater proportional benefit to the people of the whole Empire than was the colonial system of a century and a quarter ago.

Limitations on Colonial Governments.

Parliament exercised authority which, constitutionally speaking, was unlimited. No man or body of men reviewed its acts. It was supreme in the State. The colonial assemblies exercised limited functions, and their acts were subject to review. The powers of the colonial legislatures were restrained by written documents—the charters of the chartered and proprietary colonies, and the commissions and instructions of the governors of the royal provinces. All these instruments emanated from the Crown. Furthermore, an appeal lay from the decision of the highest court of every colony to the king in Council. The laws of all the colonies were liable to be reviewed and annulled by the same authority, whenever contrary to act of Parliament. Moreover, they must be conformable to the general customs and laws of England "so far as the circumstances of the place will admit." The issue in each case was determined by the king in Council. In the majority of cases, the laws passed by the colonial legislatures were regularly sent to England and might be disallowed at any time within three years. The king frequently exercised his power of veto as to colonial legislation

after the royal veto had become obsolete in Great Britain. In this way the colonists became accustomed to government resting immediately on written constitutions, to the exercise of the veto power, and to the interpretation of their laws and the overruling of the decisions of their courts by a judicial body in England from whose judgments there was no appeal. In these facts can be discerned the sources of several of the most important features of the American system of government, as elaborated in the constitutions of the United States and of the several States.

The Provincial Governor.

The governor of a royal province was the personal representative of the king, and as such he exercised such portions of the king's prerogative as he was authorized to exercise by his instructions. For example, he summoned, prorogued, and dissolved assemblies at his pleasure. Although the laws of England, which were in force at the time of the founding of a colony, were held to be in force there, subsequent statutes of Parliament did not extend to the colonies unless it was so stated in the act. It thus happened that in many ways the prerogative was more extensive as to the colonies than it was with regard to England. For instance, the Septennial Act did not extend to America, and all attempts on the part of the legislatures of the royal provinces to regulate the holding of elections and the duration of assemblies and the frequency of sessions had been defeated by the use of the veto power. In the chartered colonies, on the contrary, annual elections were the rule.

The Colonial Legislatures.

The royal governor exercised all executive power, except as he was limited in his instructions or by colonial acts which had not been disallowed by the king. He was the head of the colonial judiciary, appointing the judges and himself acting as Chief Justice of the highest colonial court. He was also commander-in-chief of the colonial forces and appointed the more important

officers. In the chartered colonies, the governor sometimes possessed little executive power, or, indeed, power of any kind. In Rhode Island he had no more authority than any other member of the Board of Assistants over whose deliberations he presided. The representative bodies throughout the colonies had acquired considerable strength through the exercise of the right to levy and apportion the taxes. In Virginia, for example, the assembly appointed the treasurer, who at this time was the Speaker of the popular branch of the legislature. Throughout the colonies, the governors, judges, and other royal officials, outside of the customs service, were dependent upon the assemblies for the payment of their stipends, which were frequently withheld, or voted as the price of some concession on the part of the government. The efficacy of this means of coercing a governor may be ascertained from the fact that the proprietary of Pennsylvania was obliged to put successive governors of that colony under bonds to veto legislation contrary to the proprietary's interest. Notwithstanding the great authority possessed by the king and Parliament, the people of the several colonies substantially governed themselves before 1760. It was well said that "Grenville lost America because he read the despatches, which none of his predecessors had done." Occasionally the Bishop of London or some especially aggrieved colonist would bring a case before the Privy Council or the Board of Trade and thus arouse the interest of a few persons in the administration of colonial affairs. But such interest was short-lived, and the colonists were soon left to settle their affairs in their own way. Had it been otherwise, it is improbable that the colonies of Connecticut and Rhode Island would have been permitted long to continue in their position of partial independence.

The charters of these two colonies erected the voters of those dominions into "corporations upon the place." They elected their governors and enacted laws without any reference

to the home government. So liberal were these charters that they survived the shock of the Revolution and remained the constitutions of the States of Connecticut and Rhode Island until 1818 and 1842 respectively. There was no representative of the king in either colony, except one or two customs officers. The charters of these colonies were substantially codifications of the government which existed in Massachusetts at the time they were granted (1662 and 1663). The colony charter, under which Massachusetts had been founded, was vacated in 1684, and was not re-granted after the Revolution of 1688. Instead, an attempt was made to establish there a government which may be described as a compromise between the royal and charter forms. By the Massachusetts charter of 1691, the governor was to be appointed by the king and to have in general the same powers as the royal governors. On the other hand, provision was made for a House of Representatives to be elected on a low property franchise. The Council, which advised the governor and formed an upper house of the legislature, instead of being appointed by the king, as in the royal provinces, was chosen by the House of Representatives, subject to the approval of the governor. The salaries of the governor and of the judges, who were appointed by him, were voted by the Representatives. There was great possibility of friction between the representatives of the king and of the people. The government had been in operation but a short time when disputes began, and they continued with scarcely a break until 1774, when the government under the charter was suspended by act of Parliament. Political warfare breeds politicians, and the political leaders of Massachusetts, like Samuel Adams and John Hancock, may be regarded as the first American politicians. As a matter of fact, government was so decentralized in New England that the form of the general government was of less importance there than in any of the other colonies.

The Chartered Colonies.

The New England town-system was the continuation of the old English parish-system before the days of closed vestries, while it was yet a popular institution. Many changes had been made, of course, to adapt the institutions of Elizabethan England to the needs of communities living in a wilderness. Strong as was the town organization, it was not older than the central governments, and it cannot be said that the State was founded on the towns. The two developed side by side, the Congregational or Independent method of Church organization, which gave nearly all power in religious matters to the local religious bodies, strongly influencing the civil organization in the same direction. The town became the administrative unit and absorbed a large part of the business of the colony. Affairs were discussed and concluded at a general meeting of all the voters in the town. Certain persons were selected to carry on the town's business according to instructions given them by the voters in town meeting. These selectmen were the agents of the town and had such authority as the voters of the town, to whom they were directly responsible, might give them and no more. The New Englanders, therefore, had a direct personal interest in the management of their affairs, and acquired skill in the transaction of political and public business. Where government was so decentralized it was difficult to bring about an administrative chaos. The dissolution of the legislative body or the abdication of a governor were regarded as of little moment. It may also be observed that whenever the inhabitants of any considerable number of these towns were opposed to any measure of the central government they could inaugurate a very formidable opposition to the central government without performing any act which could be regarded as against the law.

The New England town-system.

Outside of New England the local administration was organized on a less popular basis. It becomes more and more aristocratic and centralized as one proceeds southward, until,

in South Carolina, local administration is merged in the general administration of the colony. In Virginia, for instance, the functions of local government were exercised through the vestries of the parishes and through the county courts. The vestries were close corporations in 1760, and the members of the county courts were appointed by the central government. The parishes and the counties were often coterminous, and the members of the two governing boards were frequently the same persons. Thus the leading men in each county exercised nearly all local power. It happened that at the time of the Revolution the leaders of Virginian politics and society were the chiefs of the opposition to the British government; and, in this way, the local institutions of Virginia proved to be a source of strength, rather than of weakness, to the American cause.

Local government in the South.

The people of the several sections of the English-American colonies were wide apart in their institutional and social arrangements in 1760, and their material interests were also different. He would have been a bold prophet who would have foretold that in six years they would voluntarily send delegates to an inter-colonial Congress. Many schemes of union had been proposed. Most of them had not gone beyond the works of their proposers, and only two need be even mentioned. In 1754 delegates from many colonies met at Albany in response to the invitation of the British Board of Trade. They assembled to discuss and arrange means for concerted action against the French, and to adopt some common policy towards the Indians. The outcome of their deliberations was the Albany Plan of Union. This provided for the appointment of a President-General by the king, and for the election of a Grand Council by the colonial legislatures. The scheme was rejected by the English government, and by the colonial legislatures, on exactly opposite grounds—the one because it was too democratic, the

Plans of Union.

other because it seemed to increase the power of the Crown. From these reasons Dr Franklin, its principal author, concluded that it must have been a good plan. Another scheme proposed during the great war was the work of the Lords of Trade, and was known as the Halifax Plan, from the name of the chairman of the board. This provided for a military co-operation between the governments of the several colonies. It was further suggested that each colony's proportion of the necessary charges should be ascertained by commissioners, to be appointed by the councils and assemblies of the colonies. But nothing came of this scheme, and in 1760 there was no bond of union between the people of the different colonies save the British blood which flowed in the veins of the dominant race and the common subordination of all the colonies to the Crown and to Parliament. That union for which philosophers and jurists had schemed was to be suddenly brought about in a most unexpected manner by the passage of the Stamp Act in 1765.

Early differences between Britain and the colonies.

The colonists had evinced a determined spirit of independence from the outset. In the seventeenth century several colonies had refused obedience to the representatives of the Crown, and one colony had paid no attention to the decisions of the courts at Westminster. The first part of the eighteenth century was a period of almost incessant bickering and petty strife between the representatives of the British government on the one hand and the popular branches of the colonial legislatures on the other hand. These disputes were usually confined to local politics; they never assumed the form of a combination between two or more colonies to resist the authority of Great Britain.

Change in colonial policy.

During the French and Indian War these altercations threatened to assume a more serious aspect owing to the attempts of British officials to enforce obedience to acts of Parliament as to

billeting of soldiers and, also, to the supersession of colonial military officers by those holding commissions direct from the Crown. That these disputes led to no graver results must be attributed to the *laissez-faire* administrative policy of Sir Robert Walpole and his immediate successors. Had that policy been maintained after 1760, there is little reason to believe that the conquest of Canada and the existence of the Navigation Laws and Acts of Trade would have led to rebellion. Lord Mahon was undoubtedly right in saying that, had not some new cause of complaint arisen, the colonial agents, even in his day, might still have been debating at Whitehall. It was not so to be. The wise counsels of the earlier time were thrown to the winds. The British government, by enforcing the Acts of Trade and by levying taxes on the colonies by acts of Parliament, compelled the colonists to combine in defence of what they considered to be their rights, and thus prepared the way to revolution and independence.

CHAPTER II.

CONSTITUTIONAL OPPOSITION, 1760–1774.

THE campaigns of the Seven Years' War in Europe and in America were sustained at great cost by the British government and the American colonists. The Imperial public debt, if such an expression may be permitted, increased by leaps and bounds. Seeking to augment the revenue by all reasonable means, the British government examined the administration of the Acts of Trade, and discovered, to its amazement, that those acts in some colonies were not enforced at all. It also seemed plain that many New England merchants, unmindful of their duty to their country, had supplied the French posts on the seaboard with provisions. Orders were at once issued to enforce the Acts of Trade, and a stimulus was thus given to the customs officers in Massachusetts, who seem to have been very corrupt, to endeavour to conceal their past misconduct by a display of unwonted energy.

The new policy begun.

Evasion of the Acts of Trade prevailed to such an extent and was practised so openly that it seems a misnomer to term it smuggling. No one had ever thought much about the constitutionality of the acts because, with the collusion of

the customs officers, it had been easy to evade them. The enforcement of the acts at once showed the difficulty of carrying out laws opposed by a whole people. Arming the customs officers with special search-warrants proved to be of little use. Such warrants contained the name of the informer, and were returnable. In this way the informer became known to the community, and in a time of excitement he and other informers were almost certain to be intimidated into silence. The search-warrant also contained a description of the place where the un-customed goods were deposited, and covered only the seizure of merchandise in the designated place. When an officer, supplied with one of these warrants, reached the designated place, it might well happen that the last barrel of un-customed sugar was being rolled through the door of a warehouse on the opposite side of the street, or even through a door into a store beside the one he was authorized to search. Under these circumstances, the customs officials were practically powerless. They had recourse to general search-warrants or Writs of Assistance, as they were usually termed. These were first issued, in this connection, by Governor Shirley of Massachusetts, who certainly had no legal power to issue them. The officers, therefore, were directed to apply to the Superior Court for new writs. This they did in 1761. James Otis, the king's Advocate, resigned his office to argue against their issuance. Hutchinson, the historian of Massachusetts, who was then Chief-Justice, asserts that Otis took this course from pique because his father had not been appointed to the chief-justiceship. There is absolutely no proof of this. Hutchinson had the misfortune to be on bad terms with both James Otis and Samuel Adams, but there is no more reason for attributing evil motives to them than to him. It is no doubt true that Otis rejoiced in this, and in other opportunities, to heap unpopularity on a personal enemy. Otis on

Writs of Assistance, 1761.

this occasion made an epoch-marking speech, which is conveniently regarded as the first act in the American Revolution. Unfortunately it has come down to us only in the fragmentary form of notes taken by John Adams, then a young Boston lawyer.

James Otis's argument.

Conscious that the law was against him, Otis based his argument on the broader ground of the rights of the colonists as Englishmen. He declared that the use of writs of assistance was an act of tyranny, similar to the abuse of power which had "cost one king of England his head, another his throne." He concluded with the assertion, based on a reading of Coke and the other earlier law writers, that Parliament could not legalize the exercise of an act of tyranny such as must be the every-day consequence of the use of writs of assistance, for "an act of Parliament against the constitution is void." This idea was a favourite one with Otis. He elaborated it a few years later (1764) in his essay entitled *The Rights of the Colonies Asserted and Proved.* In that paper he uses these words: "Parliament cannot make two and two, five.....Parliaments are in all cases to declare what is for the good of the whole; but it is not the declaration of Parliament that makes it so. There must be in every instance a higher authority, God. Should an act of Parliament be against any of His natural laws, which are immutably true, their declaration would be contrary to eternal truth, equity, and justice, and consequently void." The writs of assistance were granted by the Court some months later, and were declared legal by Parliament in one of the Townshend Acts (1767). Otis's argument, however, even in the imperfect form in which it was reported, penetrated ere long to the hearts of the American people. Such writs are forbidden in every State constitution of the revolutionary period, and in one of the first amendments to the Constitution of the United States. Nevertheless, it must be admitted that

Otis was wrong and that Hutchinson and the other judges were legally right; that Parliament had the legal and constitutional right to provide for the issuance of such writs; and that the only remedy then in the hands of the colonists was revolution.

Dispute as to the "control of the purse."

This dispute had hardly subsided when Otis involved himself in another as the champion of the constitutional power of the House of Representatives against the encroachments of the executive. Toward the end of 1761, Governor Bernard of Massachusetts, acting with the advice of his Council, and for what seems to have been a good reason, expended a small sum of money in fitting out the provincial armed sloop for the protection of vessels on the northern coasts against French privateers. The money so expended was then in the colonial treasury, but had not been appropriated to this purpose by vote of the House of Representatives. This action, unimportant in itself, was regarded as a most dangerous precedent, as it was argued that if the Governor could legally arm one soldier or sailor he could arm one thousand or ten thousand. Led by Otis, the House remonstrated against the act as depriving them of "their most darling privilege, the right of originating all taxes." The Governor, aware of the impropriety of his act, was not disposed to stand by it, and the matter would have stopped at that point had not Otis, in the remonstrance voted by the House, made the further statement "that it would be of little consequence to the people whether they were subject to George or Louis, the king of Great Britain or the French king, if both were arbitrary, as both would be, if both could levy taxes without parliament." To this Bernard objected most strenuously, and the phrase was erased by order of the House. In justification of his action, Otis wrote the earliest political pamphlet of the Revolution, entitled *A Vindication of the House of Representatives*. The political theories adduced in this tract may

be regarded as the first statement of the theory of government maintained by the leaders in that movement.

The American theory.

Otis's argument was, to a great extent, a mere restatement of the ground taken by Locke in his *Essay on Government.* Among other things, Otis declared that "God made all men naturally equal" and that "ideas of pre-eminence are acquired." Two years later (1764), in his long essay, which has been already mentioned, he asserted that men are naturally equal and that government is founded on the necessities of our nature. Government is described as being in the nature of a thing given in trust for the good of mankind, each society being at liberty to establish such a form as might seem to it best. If a government were unfaithful to its trust, it should be opposed. Otis admitted that it was difficult to arrange for the carrying of the laws of Nature into effect. He regarded the British constitution as the most perfect arrangement for this purpose that had yet been devised. As to the rights of the colonists he declared that as men they have the same rights as other men, "the common children of the same Creator with their brethren in Great Britain. Nature has placed all such in a state of equality and perfect freedom." "Every British subject, born on the continent of America, is, by the laws of God and Nature, by the Common Law, and by Act of Parliament entitled to all the natural, inherent, and inseparable rights of our fellow subjects in Great Britain." Among these rights was one by which a man could not be deprived of his property without his consent in person or by representative. He also asserted that there was no ground for a distinction between external and internal taxation. Otis's premises pointed in one direction and in one direction alone—revolution. But so great was his regard for the British constitution that he could not bring himself to state the logical conclusion from his argument, and ended his essay by asserting that the colonists were only entitled to subordinate

legislatures and that Parliament was supreme over all. It was thus given to another lawyer to state the American political theory in a more complete form.

Otis made his speech against writs of assistance in 1761.

Patrick Henry's speech.

Some two years later, Patrick Henry of Virginia stated the opinions of a large portion of the people of Virginia as well as of the other colonies as to the exercise of the veto power by the king. The case is always cited as the "Parson's Cause," because it arose from the attempt of a Virginia clergyman to obtain money due to him under the law of Virginia as it stood and not as it would have been had the king allowed an act of the Virginia legislature to become law. Into the technicalities or, indeed, into the moralities of the case, it is not necessary to enter here. The Court had decided that the clergyman could recover, and the question before the jury was as to the amount. Patrick Henry was at that time an industrious young lawyer. He was of good British stock, partly English but more especially Scottish. He had received a good education for a man of his time and place; he had studied Greek, could read Latin with some ease, and was very familiar with the history and theory of the British constitution. This was his first appearance in any important cause calling for the display of oratory. Brushing aside the technicalities of the case, he denied the power of the king to veto an act of the Virginia Legislature passed for the good of the people of Virginia. "Government," he asserted, "was a conditional compact between the king, stipulating protection on the one hand, and the people, stipulating obedience and support on the other." A violation of these covenants by either party discharged the other party from its obligations. The act in question was a good act and its disallowance by the king an instance of misrule and neglect which made it necessary that the people of Virginia should provide for their own safety. The king from being a father of his people had "degenerated

into a tyrant and forfeited all right to his subjects' obedience." He told the jurors that, under the ruling of the Court, they must award damages, but that an award of one farthing would satisfy the law. They awarded one penny. In these two cases, Otis and Henry, between them, had cast a serious shadow on the authority of Parliament and on the prerogatives of the king. Nevertheless these were isolated outbreaks. They were the result, in each case, of peculiar local conditions. They attracted little attention in the colonies at the time, and, what was extraordinary, the English government gave way in the Virginia case. There seems every reason to believe that at the beginning of 1764 no more loyal and faithful subjects could be found than the American colonists. In November, 1765, they were in open rebellion from the Penobscot to the Altamaha. This change of sentiment was caused wholly by an attempt to tax them by acts passed by the Parliament of Great Britain.

The position in which the British government found itself at the close of the war was a most difficult one. This much must be conceded at the outset. The public debt had increased, and there seemed to be no end to the expenses to be incurred in America. The newly-conquered territory required a large body of troops to hold the hostile population in subjection. The Indians on the frontier, under the leadership of an able chieftain, Pontiac, and inspired by designing, or, perhaps, merely ill-informed French traders, burst into open revolt. The only way to establish the English supremacy was to crush them. The colonists on their part evinced little disposition to aid the authorities with colonial troops. They were still more unwilling to contribute to the support of the soldiers of the regular army, sent over for what the English government declared to be their protection. They felt able to take care of themselves, and doubted the necessity for much of the protection it was proposed to give them.

Conspiracy of Pontiac, 1763.

Besides, the colonists living in the different sections were very jealous of one another. The northern colonists felt that the southerners had not done their share in the late war. They were in no haste to hurry to their defence, nor were they willing to contribute money to fortify the southern frontiers. British expediency, or better, perhaps, political wisdom, demanded that such sectional feelings should be encouraged. Furthermore, it would be much better to gain what might be gained from the prosperity of the colonists in an indirect way, even at some cost in men and money, than, by an exercise of power, to unite the northern and southern colonies in opposition to the British government. This latter, however, was precisely what that government did.

The Pitt-Newcastle Ministry was no longer in power. Mr George Grenville was now at the head of the government. Of Grenville's honesty and good intentions there cannot be the slightest doubt. He was an over-zealous, well-meaning, but narrow-minded lawyer. He saw that the colonists habitually refused to obey the trade laws, and also that they declined to take an effective part in what his military advisers declared to be necessary measures for their own security, and for the best interests of the Empire. He determined in the first place to lower the prohibitory duties on sugar and molasses, and then to enforce the acts, using the naval power of England if necessary. This new policy was begun in 1763. It affected directly the commercial interests of New England and aroused great ill-feeling there, especially in Massachusetts. The attempt to secure funds toward the support of the regular troops led to the passage of the Stamp Act, which affected all the colonies.

Grenville's colonial policy, 1763–65.

On the 9th of March, 1764, Mr Grenville, in opening the budget of the year, stated that it might be thought proper for the colonists to contribute towards the support of the army stationed among them for their protection. He therefore pro-

posed a resolution that it might "be necessary to charge certain stamp duties in America." He had already informed the colonial agents of his intention to bring forward this motion, and had directed them to consult their principals with a view to having the colonists themselves propose some more agreeable method of raising the necessary revenue. The resolution was passed without debate or opposition. Mr Grenville then suggested to the colonial agents that the colonial assemblies, by agreeing to this resolution before the final passing of the act, would thereby establish a precedent for being consulted in the future—or, he added, perhaps the assemblies might propose some other mode of being taxed by Parliament. Ample time was given them to formulate their wishes. Instead of so doing, the colonists protested in vigorous and well-considered language against being taxed at all by Parliament. But their petitions were not even received by the House of Commons, in conformity to "a monstrous rule," as Lord Farnborough terms it, which forbade petitioning against certain money bills[1]. The act levying stamp duties passed the Commons in March, 1765, without any considerable debate and with only fifty votes in the negative, and received the royal assent. The king, at the moment, was suffering from his first attack of mental disorder, and the royal assent was given by commission. The colonial agents, many of whom were Americans, believing the act would be peacefully carried out, secured the places of stamp distributers for themselves and their friends.

Passage of the Stamp Act, 1765.

The Stamp Act, in itself, was a fair and equitable measure. In its essential features it was not unlike a Stamp Act passed by the Massachusetts legislature in 1755. No duty was levied on the ordinary papers of exchange nor on receipts for money paid.

The Stamp Act.

[1] May, *Constitutional History* (edition of 1873), III. 347, and note 1 to p. 348.

The money raised under the act was to be expended in America and not drawn to England. The only evil feature of the act, as a law, was the clause which provided that, at the discretion of the prosecuting officer, any case arising under it should be tried in the Admiralty Courts without a jury. The news of its passage reached America early in April. But except for the spiking of the guns in a fort near Philadelphia, there was no demonstration of any moment until the end of May. Many historians have urged this as a proof that the act would have quietly gone into effect but for the impulse given to agitation by one fiery spirit. This view does not seem to be well founded. The quiet was rather of that sort which precedes a storm. There was no tangible issue to contest. When such an issue should arise there surely would be an explosion. It chanced, however, that the matter did not rest until the day came for buying stamps.

Henry's Resolutions, 1765.

Patrick Henry had been returned to fill a vacancy in the House of Burgesses, as the popular branch of the Virginia legislature was called. It was his first term of service in any legislative body, and the Burgesses were mainly conservative men of property whose minds, at this time, were fully occupied with an important question of colonial politics. As none of these men proposed to protest against the Stamp Act, Henry, on the next to the last day of the session (May 29, 1765), offered certain resolutions which he forced through by dint of his matchless oratory. There has been some confusion as to the precise form in which the resolutions passed. This was due partly to the fact that on the next day, after Henry had left, the Conservatives repealed the boldest of them. The whole set, preamble and all, had been sent off to the north and south almost as soon as written. They were printed everywhere as the Virginia Resolutions, and are here given entire from a manuscript copy left by Henry:

"Whereas, The Honourable House of Commons, in England, have of late drawn into question how far the General Assembly of this colony hath power to enact laws for laying of taxes and imposing duties payable by the people of this his Majesty's most ancient colony; for settling and ascertaining the same to all future times, the House of Burgesses of this present General Assembly have come to the following resolves:—

"Resolved, That the first adventurers, settlers of this his Majesty's colony and dominion of Virginia, brought with them and transmitted to their posterity, and all other his Majesty's subjects, since inhabiting in this his Majesty's colony, all the privileges and immunities that have at any time been held, enjoyed, and possessed by the people of Great Britain.

"Resolved, That by two royal charters, granted by King James the First, the colonists aforesaid are declared and entitled to all privileges and immunities of natural-born subjects, to all intents and purposes as if they had been abiding and born within the realm of England.

"Resolved, That his Majesty's liege people of this his ancient colony have enjoyed the right of being thus governed by their own Assembly in the article of taxes and internal police, and that the same have never been forfeited, or any other way yielded up, but have been constantly recognized by the King and people of Great Britain.

"Resolved, Therefore, that the General Assembly of this colony, together with his Majesty or his substitutes, have, in their representative capacity, the only exclusive right and power to lay taxes and imposts upon the inhabitants of this colony; and that every attempt to vest such power in any other person or persons whatever than the General Assembly aforesaid, is illegal, unconstitutional, and unjust, and has a manifest tendency to destroy British as well as American liberty.

"Resolved, That his Majesty's liege people, the inhabitants of this colony, are not bound to yield obedience to any law

or ordinance whatever, designed to impose any taxation whatsoever upon them, other than the laws or ordinances of the General Assembly aforesaid.

"Resolved, That any person who shall, by speaking or writing, assert or maintain that any person or persons, other than the General Assembly of this colony, have any right or power to impose or lay any taxation on the people here, shall be deemed an enemy to his Majesty's colony."

These resolutions are given in full partly to show the legal phraseology in which the leaders of the Revolution were accustomed to clothe their State papers; but more especially to show the bold and unhesitating language with which Henry was wont to treat any subject. At first they were passed around from hand to hand. Later on they were printed in the newspapers; but it was not until July that they were generally known throughout the colonies.

Stamp Act Congress called.

Meantime, on June 6th, before the Virginia Resolves were known at Boston, Otis had introduced and pushed through a reluctant House of Representatives a call for a general meeting of committees from all the continental assemblies in a Congress to secure united action in regard to the Stamp Act. The party opposed to agitation was in the majority in the Massachusetts House of Representatives, and two conservative members were joined with Otis to form the Massachusetts committee. The response to this proposition was at first not at all favourable. Henry's resolutions, however, had formulated the opinion of the people at large. One assembly after another accepted the invitation of Massachusetts until all which were in session, except that of New Hampshire, had chosen committees.

In August, the names of the stamp distributors were made public. Then at last an issue was raised. Riots occurred in New Hampshire, Massachusetts, Connecticut, New York,

Pennsylvania, and Rhode Island. The Boston riots were the most serious of all. There the resentment of the mob was directed against the customs officials as well as against the stamp distributer. Much damage was done to property, and the whole affair was disgraceful. Before long, every stamp distributer had resigned. As the stamped paper and the stamps arrived at the several ports, they were stored in the forts or oftentimes on vessels in the harbours. November 1st arrived, the day on which the act was to come into force. Not a stamp could be bought. There was no one in America authorized either to open the packages of stamped paper or to sell stamps. In the condition of temper then prevailing among the people, no royal official seemed disposed to stretch a point to get the stamps into circulation. Soon the royal officials were themselves obliged to violate the act and to clear vessels without using stamped paper—though such clearances were plainly illegal. A few clearances on stamped paper issued by the collector at Savannah, Georgia, were the only instances in which the act was observed. The judges were obliged, after a brief period of waiting, to open the courts regardless of the law. In one case, a clerk of the court, who refused to use unstamped paper, was threatened by the judge with confinement for contempt of court if he persisted in his refusal. The newspapers appeared with a death's head or some ingenious device in the corner where the stamp should have been. In the case of probate business alone does there seem to have been any appreciable inconvenience from the refusal to use the stamps.

The Stamp Act disobeyed.

The Stamp Act Congress met at New York on October 7th. It formulated a Declaration of Rights, on the lines of the Virginia Resolutions, and petitions to the king and to the two Houses of Parliament. The importance of the Stamp Act Congress consists not so much in what it performed as in the fact of its existence. For years the English government had sought in vain to bring the

Stamp Act Congress, 1765.

colonies into some kind of union against the French. Now, in one moment, of their own motion, they came together. The Stamp Act Congress, therefore, marks the beginning of the American Union. Moreover the leaders of the radical party in the several colonies there represented came together and exchanged ideas. For the first time the men of the Revolution met each other face to face. Virginia was not represented, owing to the impossibility of electing a committee; and Otis and Henry, the two men who gave the first impulse to revolution, probably never met.

English Politics.

The king before this had dismissed the Grenville Ministry for personal reasons. After some attempts to secure the services of Pitt, he was obliged to confide the government to the section of the Whig party, which might well have been called the Regular Whigs, led by the Marquis of Rockingham, of the great house of Wentworth, whom the king had treated with ignominy a short time before. The ministry, possessing neither the confidence nor the goodwill of the monarch, nor any inherent strength of its own, immediately found itself face to face with a serious crisis in the affairs of the Empire. Curiously enough the Stamp tax, which had been chosen on account of what might be called its self-enforcing qualities, was in the existing state of the public mind in America almost incapable of enforcement—a whole people could not be compelled to go to law, nor could the colonists be obliged to make wills or read newspapers. They might dispose of their property before death and might read news-letters instead of stamped printed sheets. They certainly could not be forced to buy stamps without the presence of an army; and the ministers must have paid some slight heed to Franklin's remark to the effect that an army sent to America would find no rebellion prevailing there but might indeed make one. There could be no hope from modification of the law, as the act in its present shape could be

carried out as easily as any modified act could be. Repeal and enforcement, therefore, were the only alternatives, and everything pointed toward repeal.

In the eyes of the ministry the act was the work of their predecessors in office who would be discredited by repeal. Pitt was still the "Great Commoner," and his speech advocating repeal decided the matter. He sought to elaborate a theory drawing a distinction between the power to tax and the general legislative power. On the face of it there seemed to be some ground for this distinction. The preamble of the Stamp Act itself seemed to carry its own condemnation: "We, your Majesty's..... subjects, the Commons of Great Britain..... give" the property of other subjects living in America. Pitt maintained that Parliament was the supreme legislative body and might raise a revenue from the colonies by means of imposts; as such a tax would be an external tax. In this view, the majority of the colonists would probably have concurred, with the exception, perhaps, that they might have maintained that only such duties as were incidental to the regulation of commerce could be raised by Parliament. But up to that time there had been no general denial of the legislative supremacy of Parliament. Otis had expressly acknowledged it. Acting on Pitt's suggestion, the ministry introduced two bills—one repealing the Stamp Act, the other declaring the legislative supremacy of Parliament. Both were passed (1766) notwithstanding very able speeches made by Lord Mansfield in the Peers and by Grenville in the Commons against the repeal of the Stamp Act. Looking backward, it is now clear that Pitt and Lord Camden were wrong; that the law was best expounded by Lord Mansfield and George Grenville; and that the Stamp Act was constitutional. Certainly it was not expedient. But here, as in the case of writs of assistance and the exercise of the veto power, the only remedy in the hands of the colonists

Repeal of the Stamp Act, 1766.

was revolution. At the time, however, the colonists paid little heed to the Declaratory Act or foresaw that it would lead to another tax. They rejoiced only over the repeal of the Stamp Act.

Townshend's Colonial policy.

The same year (1766) witnessed the downfall of the Rockingham Ministry and the accession of Pitt to power at the head of a government comprising representatives of several groups and hence derisively dubbed by Edmund Burke the "Mosaic Ministry." Mr Pitt was no longer in the Commons, but had been raised to the peerage as the Earl of Chatham. As he was in feeble health, the Duke of Grafton, a man of slight force, was the nominal Prime Minister. Lord Chatham retired at once to the country, suffering from some mysterious malady, which seems to have been not unlike the "nervous prostration" of the present day. His controlling hand withdrawn, the ministry soon resolved itself into its component parts. The Chancellor of the Exchequer was Charles Townshend, a man of ability, though lacking force and steadfastness of purpose. He had been in office, with the exception of five years, since 1743. He had advocated the right of Parliament to tax the colonies, and had voted for the repeal of the Stamp Act solely on grounds of expediency. He now determined to raise a revenue by means of taxes to be levied by act of Parliament on goods imported into the colonies, the taxes to be paid at the time and place of importation. This would result in raising a very dangerous question and in opening a dispute which might well have been avoided. The colonists did not deny the power of Parliament to regulate commerce, nor did they refuse to pay duties incidental thereto, like the tax of one penny per pound on all tobacco exported from Virginia. But the only act under which the question of raising a revenue from imports had arisen was the Sugar Act. That had only recently been executed with vigour, and it bore hard on New England alone.

Moreover, there were still great difficulties in the way of enforcing it. The judges were dependent on the colonial legislatures for their salaries, and there were then no exchequer courts in the colonies. The colonial juries would not convict for alleged breaches of the revenue laws, if they could possibly avoid it. Furthermore, the English Commissioners of the Customs found it practically impossible to exercise adequate supervision over the American customs officials three thousand miles away. Mr Townshend determined to reform all these evils, as he regarded them, at the same time that he imposed new taxes. It was provided, therefore, in the Townshend Acts (1767) that a Board of Commissioners resident in the colonies should have charge of the American customs service; that cases arising under the Revenue Acts should be tried in the Admiralty Courts—without juries; and that the salaries of the colonial judges and other royal officials should be paid out of the proceeds of the new duties. Writs of assistance were also declared by Parliament to be legal. At about the same time Parliament suspended the functions of the Assembly of New York, which had refused to make certain appropriations required by an act of Parliament. Thus at one moment several distinct issues were raised, namely: the constitutional relations of Parliament to the colonial legislatures, the right of trial by jury, the control of the judiciary and executive, the legality of writs of assistance, and the right of Parliament to tax goods imported into the colonies. It is extraordinary that a man who voted for the repeal of the Stamp Act on the ground of expediency should within two years have inaugurated a new policy whose inexpediency was manifest. Mr Townshend died shortly after the passage of these acts, and it is not impossible that disease may have already unsettled an otherwise brilliant intellect.

The Massachusetts House of Representatives took immediate notice of these acts, which indeed bore with greater

severity on the merchants of New England than on the traders of any other section. In the winter of 1767–68, the Representatives drew up several letters and petitions. Among these papers was a Circular Letter to be signed by the Speaker and sent to the other assemblies, notifying them of the action of Massachusetts and suggesting concerted measures. In this letter a desire for independence was expressly disavowed. Probably this sentence attracted the attention of the English government, which might well have been alarmed at the necessity for such a disavowal. At all events, the Secretary of State for the Colonies wrote to Governor Bernard of Massachusetts, commanding him to order the legislature to rescind the letter under pain of dissolution in case of refusal. At the same time, letters were sent to the governors of the other colonies, directing them to dissolve the assemblies of their respective colonies in case they acted on the Circular Letter. It is difficult to conceive the state of ignorance of colonial society which prompted these orders. In England a dissolution of Parliament was dreaded by the members of a newly-elected House of Commons, as a re-election often occasioned considerable expense and was always attended with inconvenience. In the colonies, the case was very different. The members of the radical party welcomed a new election, as it gave them an opportunity to go home, consult their constituents, and return to the seat of government with a fresh mandate and probably in increased numbers, at little or no expense to themselves. The Massachusetts House of Representatives refused to rescind the Circular Letter. The other assemblies hastened to make the cause of Massachusetts their own.

The Massachusetts Circular Letter.

Another cause for discontent was now added to those noted above. According to an act passed in the time of Henry the Eighth, long before the days of colonization, an English subject accused of

The Virginia Resolves of 1769.

crimes committed outside the realm could be tried and punished in England. Both Houses of Parliament now presented an address to the king, praying that persons charged with treason committed in the colonies might be brought to England for trial. The Virginia Assembly met May 11th, 1769. It was now in the hands of the radical party, or rather the conservative element in Virginia had been largely converted to radicalism, and the leading men of property were now generally on the side of the maintenance of colonial rights against the English government. Five days after its meeting, the House of Burgesses adopted a set of resolutions known as the Virginia Resolves, setting forth the colonial contention on the questions at issue in the clearest and most outspoken language[1]. Another resolution directed the Speaker to send copies of these Resolves to the several colonial legislatures on the continent, requesting their concurrence therein. This was generally given—some assemblies using the language of the Virginia Resolves.

Non-importation Agreements.

The moment that Governor Botetourt of Virginia was advised of the action of the Burgesses, he dissolved the assembly. But the Burgesses met in a neighbouring house and signed an agreement binding themselves not to import or use any goods taxed by Parliament until the obnoxious laws should be repealed. This agreement was drawn by George Mason, later the draftsman of the Virginia Bill of Rights, and was presented to the meeting by George Washington, already well known in the colonies as a soldier and one of the wealthiest men in Virginia, and, indeed, in America. There had been non-importation agreements at the time of the Stamp Act. But now the movement became general. Before the end of the year, all the colonies adopted similar agreements. The object of this non-importation policy was to put pressure on the English merchants engaged in the American trade, and it was suc-

[1] See Appendix I.

cessful. The Townshend duties had produced in one year the net sum of two hundred and ninety-five pounds sterling. During the same time no less than one hundred and seventy thousand pounds had been expended in military charges made necessary by the disorders consequent on the Townshend Acts and the attempt to prevent inter-colonial action. A portion of the ministry, led by Lord North, Townshend's successor as Chancellor of the Exchequer, opposed the entire repeal of the act levying duties. By a majority of one, it was determined to retain the tax on tea, which had produced the preceding year a gross revenue of three hundred pounds. It is well ascertained that Lord North acted under the direction of the king, and also that the argument which influenced the king was the advisability of establishing a precedent. The other duties were abolished.

Inexpediency of the English policy.

During these years (1763–70) the English government never seems to have counted the cost of receding from positions once taken; nor to have realized the fact that if concessions were made they should have been made in such a manner as would have put an end to the dispute. The colonists, like other men in other countries and epochs, objected to paying money to any tax-gatherer—that at once will be admitted. But in this question, they objected not so much to paying money as to paying money which they felt was illegally levied. If it was important from the point of view of the English government to retain the tax on tea as a species of continuing declaratory act, it was equally important for the colonists to pay no tax which could be drawn into precedent. They drank smuggled tea sold at a low rate by the Dutch West India Company, because it was cheap. Tea, therefore, was the best article the government could have chosen for their purpose, because so long as the tax was not paid it attracted little attention. Possibly this tax might have developed quietly into a precedent had not

its existence been brought prominently to the notice of the colonists.

"The Boston Massacre," 1770.

The partial repeal of the Townshend duties took place in April, 1770. In the preceding March, an affray known as the "Boston Massacre" had very greatly complicated the situation, although the news of the disturbance had not reached England at the time of the repeal. This unfortunate affair resulted in the killing of several men and the wounding of several more by British soldiers, acting under strong provocation, in one of the most important streets in Boston. A few soldiers belonging to the regular army had been ordered to Boston in 1766. The Board of Commissioners appointed under the Townshend Acts established their head-quarters at the same place where they were certain to be opposed in every possible manner. They might have entered upon their duties at one of the ports of the Middle Colonies with much greater convenience to the service and with no danger to themselves. The point now under discussion has nothing to do with the rightfulness or otherwise of the Acts of Trade. The government having undertaken to enforce them should not have placed its agents without adequate protection among the people most likely to resist them in the discharge of their functions. The seizure of the sloop *Liberty*, owned by John Hancock, a wealthy merchant and very popular man, brought on the Commissioners the anger of the mob. They fled to a fort in the harbour and demanded more troops and a large naval force for their protection. The soldiers sent in these circumstances were regarded as aliens and enemies by the people of Massachusetts. The officers were treated as outcasts and frowned upon by what is known as "society." Early in 1770, blood was shed in an attempt by a party from the *Rose* frigate to impress seamen from a colonial vessel. Later, a boy had been accidentally killed in the streets of Boston. The "massacre" of March, 1770,

was brought on by a personal dispute between some soldiers and labourers. In the beginning, it had no connection with taxation or the rights of the colonies. As soon as the "massacre" became known, it was at once evident that a very serious crisis had arisen. In the temper then prevailing, the troops must be removed or they would be slaughtered to a man, and an armed conflict with the mother country precipitated. Samuel Adams stated the facts to the Lieutenant-Governor, Hutchinson, who in the absence of Bernard acted as Governor, and later was appointed Governor. Hutchinson tried to temporize and offered to remove a part of the troops. But Adams replied that if he could order one regiment away he could send all, and all the soldiers were removed from the town. The officers and men present at the time of the firing were tried on a charge of murder. They were defended by John Adams and Josiah Quincy, two leading patriots, and acquitted by a jury of colonists. Two soldiers were convicted of manslaughter and slightly branded. After the lapse of more than a century, the historical student feels impelled to bear witness to the general good behaviour of the soldiers under trying circumstances, and to the sense of justice exhibited by the jurymen at the trial. The anniversary of the "massacre" was celebrated until after the peace of 1783. Probably the issues underlying no other event in American history have been so misunderstood by friends and opponents as those relating to this so-called "massacre." The colonists regarded the British standing army as existing under British law. They considered that their consent—they not being represented in Parliament—had not been given to the standing army. They maintained that such consent could only be given by the legislatures of the several colonies. From the colonists' standpoint, the troops had no more constitutional right in Massachusetts than the Dutch soldiers had in England during the time of William III. The theory underlying the argument was the same as that on which

the opposition to taxation rested. The colonists in short denied the existence of a legislative union with England. From another point of view the "massacre" was important because it showed the danger to the liberty of the subject incurred by the substitution of the military for the civil power. The removal of the troops, therefore, was commemorated as a victory for freedom.

After the removal of the soldiers, a time of quiet supervened. For a moment, it seemed as if there were nothing to dispute about. The soldiers were out of sight, and the Tea Act was forgotten. The struggle was soon renewed. Hutchinson refused to accept any salary from the province, and later it was announced that the judges would likewise be paid by the Crown. As may be easily imagined, it is difficult to stir up rebellion for the right to pay another's salary. Hutchinson, however, most rashly began an academic discussion as to the rights and duties of the colonists, proving conclusively that the position assumed by the colonists was unsound and that they must either submit or become independent. Hutchinson undoubtedly was right, but it was the height of imprudence to convince the colonists that they must submit to what they regarded as tyranny, or fight. Samuel Adams saw at once the advantage such a discussion gave to his side. Almost alone at this time, he ardently longed for independence. He organized a system of town Committees of Correspondence throughout the province and set on foot a discussion of the case. At the time no answering echo came to Massachusetts from the other colonies. One over-zealous officer had placed in Adams's hand this most formidable weapon of revolutionary organization, the acts of another over-zealous officer gave Henry the opportunity to extend the system of extra-legal political organization to all the colonies.

Local Committees of Correspondence.

This latter official was Lieutenant Dudington, master of the revenue vessel *Gaspee*, employed in watching the waters of

Narragansett Bay. He had incurred the ill-will of all the merchants and traders on the bay. One night, a report was brought to Providence that the *Gaspee* was aground some few miles away. Led by the most prominent merchant in the place, men from Providence boarded her in the middle of the night, seized the crew, and set the vessel on fire. The affair was really a personal encounter between an official and persons whom he had offended. It is not well to make mole-hills into mountains; and never was a mole-hill exaggerated as was this. A most portentous Commission, including three chief-justices, was sent to Rhode Island to inquire into the matter, to seize the perpetrators, and to convey them to another colony or to England for trial. Probably several hundred if not a thousand persons knew the names of nearly every one who had taken part in the burning of the *Gaspee*, but not one name could the Commission of Inquiry discover. Moreover, the Chief-Justice of Rhode Island, Stephen Hopkins by name, declared that not a person should be removed from the colony for trial without its limits. The Commission abandoned the inquiry and reported its failure to the king. But the matter did not stop at that point.

Destruction of the *Gaspee*.

The Virginia Assembly happened to be in session when the report of the appointment of this Commission reached the Old Dominion. Under the leadership of Patrick Henry and Thomas Jefferson, a permanent Committee of Correspondence was appointed "to maintain a correspondence with our sister colonies" and to inform themselves particularly of the facts as to the Gaspee Commission. The resolution was communicated to the other colonies, but at first with discouraging results, as only Massachusetts, Rhode Island, Connecticut, New Hampshire and South Carolina joined Virginia in appointing Colonial Committees of Correspondence (July, 1773). The machinery, however, had been invented which might easily

Colonial Committees of Correspondence.

develop into a complete organization, for, by combining the Virginia colonial committees with committees of local divisions as in Samuel Adams's plan, an extra-legal, yet not illegal, organization might be formed capable of exercising all the functions of the State. The attempt to compel the colonists to purchase tea on which the Parliamentary tax had been paid brought all the colonies into this revolutionary union.

The English East India Company had never controlled the colonial tea market. The reason was, that in addition to the original cost and freight charges, to which all tea was liable, English tea was further liable to an inland duty of twelve-pence per pound to be paid on withdrawal from the warehouses for consumption in England, or for export to the colonies. Under the Townshend Acts it was still further burdened with a customs duty of three-pence per pound when landed in the colonies. In these circumstances, the Dutch East India Company provided nearly all the tea consumed in America, which was smuggled in free of duty. The English company was now in severe financial straits. To help it out of its difficulties, the government proposed to permit it to send tea to the colonies without payment of the twelve-penny inland duty, but still liable to the three-penny Townshend tax. Friends of the government, and, it is stated, the company also, suggested that the latter tax should be paid by the company in England and added to the price of the tea without anything being said about it. But the government was immovable on that point. They were anxious to establish a precedent, and to accomplish that the tax must be paid in America. The colonists, regarding the whole business as an attempt to bribe them into surrender, by giving them tea cheaper than the people of England could buy it, refused from North to South, apparently without any urging from the Committees of Correspondence, to have anything whatever to do with it. Large quantities were at once despatched to

The Tea Duty.

Philadelphia, Charleston (South Carolina), New York, and Boston. The consignees at the two first-named ports resigned when requested by the people. No tea was landed at Philadelphia and New York, the collectors of those ports allowing the vessels to clear without breaking bulk. At Charleston the collector insisted upon the tea being landed. It was stored in a damp cellar and soon spoiled. At Boston, however, a combination of circumstances brought on an explosion.

"The Boston Tea Party," Dec. 1773.

Among the consignees were the sons of Governor Hutchinson. They refused to resign. The collector of the port refused to allow the vessels to clear outward until the tea had been landed in conformity to law. The governor declined to grant a permit to the vessels to pass the fort until they were properly cleared. The only way to cut the knot was to destroy the tea, and it was thrown into the harbour by a mob.

The Repressive Acts of 1774.

These occurrences at once aroused great excitement on both sides of the Atlantic. Six more colonies chose Committees of Correspondence, Pennsylvania alone refusing. Unmindful of these things and of the action of Virginia on the occasions of the Stamp Act and the Gaspee Commission, the English government determined to isolate Massachusetts, and to crush out the spirit of resistance in that Province. Parliament speedily suspended, by statute, the operation of the Charter of Massachusetts, closed the port of Boston to commerce, and provided that persons accused of crimes, alleged to have been committed while putting down riots, should be transported for trial with the necessary witnesses to some place outside the colony. General Gage, the commander-in-chief of the British army in America, was commissioned governor with very extensive powers. At nearly the same time, the Quebec Act extended the limits of the Province of Quebec to include the country west of the Alleghanies, as far south as the Ohio River.

The colonies of Massachusetts, Connecticut, New York, Pennsylvania, and Virginia all claimed rights in this territory. The third and fourth clauses of the act reserved the rights of holders of grants from the Crown. It is impossible to say precisely what this reservation meant, as no case involving these points has ever been decided by the courts. It is probable that the titles of Massachusetts, Connecticut, and Pennsylvania would have been recognised. These "saving clauses" do not seem to have been widely known in America. Quebec was largely inhabited by Roman Catholics, and was governed as a conquered province. This act was understood by the colonists to evince a disposition on the part of the English government to limit the self-governing colonies to the seaboard, to establish the Roman Catholic Church in a large portion of British America, and to extend the use of the civil as distinguished from the common law. For these reasons its passage aroused feelings of bitter resentment among the colonists, whose passions were already excited by the harsh treatment measured out to the town of Boston.

The Quebec Act, 1774.

The people of the other colonies made the cause of Massachusetts their own. Washington offered to raise, arm, and equip a thousand men at his own expense, and to march at their head to the defence of the people of Boston. From all parts of the continent came supplies of food, clothing, and other necessaries for the poor of the closed seaport. Jefferson, in his *Summary View*, boldly set forth the theory that Parliament had no authority whatever over the colonies, not even as to the regulation of the external trade of the colonies. This theory speedily found favour among a people who until 1774 had expressly admitted the legislative supremacy of the British Parliament in all cases whatsoever, excepting that of taxation. Everywhere the opposition party became bolder; everywhere it acquired increased strength.

Jefferson's *Summary View*, 1774.

On the 17th of June, 1774, the Massachusetts legislature

was in session at Salem, the new capital of the province. The doors of the room, in which the Representatives were in session, were locked. Samuel Adams moved a resolution providing for a Continental Congress to be held at Philadelphia on September 1st next ensuing. The two Adams' and two other persons were then chosen to represent Massachusetts in the Congress. While this debate was in progress, the Secretary of the Province, standing on the staircase, just without the Representatives' door, read a proclamation from the governor, dissolving the assembly.

A Continental Congress summoned.

This time the call for a congress was responded to most heartily. The First Continental Congress assembled at the appointed day, all the colonies except Georgia being represented. It was distinctly in the control of those who advocated moderation, and were not prepared to go to the lengths advocated by Jefferson in the *Summary View*. This was recognised by the New Englanders, who kept as much as possible in the background. The Declaration of Rights, voted by this Congress, was mild in tone, and the same criticism applies to the memorials, petitions, etc. published by it. The one important measure initiated by this body was the "Association" to secure the carrying out of a new non-importation and non-consumption agreement. The Congress recommended that committees should be elected by each town, county, or other administrative unit, by whatever name it was called, to oversee the execution of the non-intercourse policy. These committees were supervised by the legislative Committees of Correspondence. The names of offenders against the Association were to be published, and any colony refusing to enter the Association should be regarded as inimical to "the liberties of this country," and denied all intercourse with the members of the Association. Thus the colonies were for the first time united into one political organization, apart from the British Empire. Moreover, the organi-

First Continental Congress, 1774.

zation was so perfect that it controlled the movements of the humblest individual. Having set this machinery in motion, the Congress adjourned, not without providing, however, for the assembling of a new Congress in the following May (1775), in case the grievances of the colonists should not be redressed before that time. There probably were not a dozen men in all the colonies at that time (October, 1774) who wished for independence. Furthermore, probably not a dozen men in all the colonies supposed that the breaking out of civil war was only a matter of a few months. Had there been a strong, wise, and prudent man at the head of affairs at Boston the rupture might have been postponed for many years.

Gage, Governor of Massachusetts, 1774.

General Gage, now civil and military governor of Massachusetts, was neither wise, nor prudent, nor strong. He had at his disposal a small veteran army, supposed to be adequate to cope with any force likely to be brought against it. As the result proved, this army was powerless in his hands to do more than maintain itself in Boston. Moreover, Gage annoyed the colonists by petty reprisals whose complete success could have had slight influence on the impending crisis, but whose failure meant certain disaster and rebellion.

The Massachusetts Provincial Congress, Oct. 1774.

In September, he issued precepts for the election of Representatives to a General Court to be held at Salem in October, 1774. The situation of affairs became so threatening before that time that he prorogued the assembly before it met. The Representatives assembled at the appointed time, however, formed themselves into a Provincial Congress, and adjourned to Cambridge. The theory which they advanced was that Gage, refusing to govern in accordance with the Charter of Massachusetts, had abdicated his authority: there was therefore no longer any properly constituted authority in the province, and the people must look to their own safety. This theory

rested on the assumption that Parliament had no constitutional power to suspend the charter of a colony, in whole or in part, or to interfere in any way with the internal concerns of any colony. The Provincial Congress, acting for the people of Massachusetts, appointed a Committee of Safety to act with other committees as an executive. It also appointed a Receiver-General, or Colonial Treasurer, and advised the town authorities to pay the taxes, usually levied on the inhabitants of the towns, to him and not to the official acting under the authority of the king. Preparations for armed resistance were now pushed forward.

Lexington and Concord, April 19, 1775.

On the other hand, Gage found himself almost isolated in Boston. Workingmen refused to work for him, and as the farmers refused to sell him supplies, he was obliged to import food for his army from Halifax. Alarmed at the hostile spirit everywhere displayed, he determined to disarm the populace of eastern Massachusetts. The first attempt to seize arms ended in a failure, but without bloodshed. Later on (April 19th, 1775), he sent out a strong detachment to seize stores said to be accumulated at Concord, a small town about eighteen miles from Boston. He had expected to surprise the colonists, but the secret became known before the troops left Boston on the night of the eighteenth. When the soldiers reached Lexington, on their way to Concord, they discovered a small body of militia, drawn up as if to oppose them, which however dispersed in the face of such a strong force. It is not certain which party fired first, as the accounts are conflicting, nor is it important; but it is certain that blood was shed on Lexington Common in the early hours of that April morning. Pressing onward, the soldiers reached Concord to find that most of the stores and munitions of war had been removed to some place of greater security. They destroyed a few barrels of flour, burned a cart-wheel or two, and disabled a few iron field-pieces. While there, they were

assailed by the militiamen, and their starting on the return march to Boston was the signal for a general attack, which continued until the survivors gained the protection of the guns of the men-of-war anchored off Charlestown. Instead of returning home, the colonists encamped at Cambridge and began the siege of Boston. The time for constitutional opposition was now at an end. The rightfulness of the colonial theories must be tested by war, or, to use the phrase of that time, "by an appeal to God."

CHAPTER III.

REVOLUTION.

The Colonists in 1775.

THE fifteen years covering the events described in the last chapter (1760–1775) were years of growth in population and in material resources without parallel in the colonial period. The total population increased from sixteen hundred thousand in 1760 to nearly two and one-half million souls in 1775. The slaves formed about one-fifth of this total—numbering in 1775 nearly half a million to about four hundred thousand in 1760. The increase in slave population was confined to the South, and was made up largely of fresh importations from Africa. The total populations of the North and South were nearly equal, in the proportion of about thirteen to eleven; but the white population of the colonies, north of Mason and Dixon's line, far outnumbered that of the colonies to the southward. A further examination of the statistics will enable one better to understand the greater capacity for resistance displayed by the North in the coming conflict. For instance, the two largest colonies, Virginia and Massachusetts, contained respectively five hundred and fifty thousand and three hundred and fifty thousand inhabitants. The white population of the two colonies, however, was in the proportion of four to three and one-half. The next

largest colony was Pennsylvania, containing three hundred thousand inhabitants, nearly all white. In South Carolina, the negroes formed nearly two-thirds of the total of two hundred thousand. On the other hand, Connecticut, with about the same total population, contained hardly any blacks, slave or free. The fighting strength of the colonies having large slave populations was reduced nearly in the proportion of the blacks to the whites.

Material prosperity, 1765–75.

Notwithstanding the disputes as to the enforcement of the trade laws and the complaints made by the colonies, it appears to be well ascertained that commerce and trade had flourished to an extraordinary degree. Manufacturing had been extended, and, although it was still on a small scale, the Revolution found the colonists nearly self-supporting. Munitions of war were no doubt lacking, and at first there seemed to be no way to replenish them within the colonies. Gunpowder was soon manufactured there, however, and a lead mine in Virginia furnished material for bullets until the vein gave out in 1781. But the greater part of the supplies of war-materials were either captured from the British or procured from the French.

Capacity of the Colonists for war.

The younger men among the colonists knew little of actual warfare. But everywhere there were veterans of the French wars, Washington and Prescott, for instance, who soon infused a knowledge of military methods into the masses of raw recruits. Experience showed that time had not diminished the fighting qualities of the race which disputed the fields of Naseby, Worcester and Dunbar. The descendants of Cavaliers and Ironsides fought side by side in the American armies. With them might often have been discovered the grandchildren of the brave defenders of Limerick and Londonderry. In fact, the most venturesome of all parties in the great contests of the Stuart period had either emigrated or had been deported to the colonies.

The Americans were peculiarly fortunate in their leaders. As a man, and as a leader of men, George Washington occupies an unique position among historic personages of ancient and modern times. Other men have been more brilliant than he; but in no other man have considerable abilities been combined with absolute honesty and steadfastness of purpose as they were in him. Always serious, as if conscious of his own greatness, he never for one moment faltered. As a strategist and tactician, he was not the equal of some of his subordinates. It must not be supposed, however, that Washington did not know when to strike and how to strike hard. The return of the offensive at Trenton and the rescue of the army at Monmouth will for ever remain among the most instructive operations of war. More important for a man in his position, he was able to wait, and feared not the reproach of the moment. Cold and impassive in bearing, he yet inspired his men with confidence and respect. The greatest soldier, as a soldier, on the American side, was Nathanael Greene. Born of Quaker stock, in the little colony of Rhode Island, he taught himself the art of war, buying and borrowing books on that subject far and wide. Marching at the head of the Rhode Island troops, at the summons sent forth from Lexington, he at once gained a position to which neither his age, his experience, nor the force at his back entitled him. Washington, one of the wealthiest of the Virginia aristocrats, confided in the military insight of this son of the most democratic colony, as he confided in that of no other man. In the beginning, Greene made many mistakes; but a few lessons in real fighting, combined with his theoretical training, made him a very efficient commander of a division or an independent force. Another soldier, worthy of mention with Washington and Greene, was Anthony Wayne, whose impetuosity in attack earned for him the sobriquet of "Mad Anthony." Unstable in character and ignorant of strategy, Wayne executed

Washington, Greene, and Lafayette.

orders in a splendid manner. Of another officer one would wish to speak here. In military sagacity, bravery, and enthusiasm Benedict Arnold was a great soldier. His faults, leading to presumption and extravagance in living, hindered his advancement, and finally drove him to commit treason. But as the leader of a division in a hardly contested fight, few men have stood higher than he. Among the foreign officers who gathered beneath the standard of the young republic, Lafayette was first in place and merit. Like Washington, he was a man of means and of high social position. Although very young at this time, he never failed to justify the confidence which intrusted him with important commands. Another foreigner, Steuben, a Prussian veteran, who was appointed Inspector-General, made the Continental Line—as the more permanent American forces were termed—an efficient body of troops. Many foreign officers were given positions which they could not sustain. Charles Lee, a renegade Englishman, committed treason many times; and of Horatio Gates, a recent immigrant to Virginia, it is difficult to speak with calmness. He was self-sufficient and cowardly; and he treated his subordinates with a spirit of unfairness and jealousy hardly to be conceived.

Howe, Clinton, and Burgoyne.

It is not necessary to say much concerning the British commanders. Gage's reputation was so shattered at Bunker Hill that no one has ever tried to rehabilitate it. Sir William Howe, Gage's successor, commanded in the field on that memorable occasion, and ever afterwards evinced the greatest caution in assailing works defended by the colonists. He was also fond of luxury and ease. At all events, he threw away every opportunity of crushing his enemy in 1776, the most critical year for the colonists. Burgoyne might have done well on the open fields of Europe, but in the woods of northern New York he was surely out of place. Sir Henry Clinton seems to have had

ability; but he, like Howe, was fond of winter-quarters; so fond of them, indeed, that Rodney, who passed a few weeks in New York in 1780, felt obliged to protest against his inactivity. Another obstacle to Clinton's success was the fact that Lord George Germaine, who, as Colonial Secretary, managed the war, had more confidence in Cornwallis, Clinton's subordinate, than he had in the commander-in-chief. This was in a measure justifiable, as Cornwallis showed more enterprise than any other British general. But the difficulties of the theatre of his campaigns were nearly insuperable. The great blot on the military reputations of Clinton and Cornwallis was the fortification of Yorktown. Each sought to throw the blame for that blunder on the other. A careful consideration of all the documents produced by the two contestants points irresistibly to the conclusion that neither was responsible for it, and that it was due to an excusable misunderstanding of Clinton's orders by Cornwallis. Many of the subordinate commanders were men of ability, but the shadow of Lord George Germaine was over the whole enterprise. Had an able man, like the elder Pitt, been in control, many disasters would have been avoided.

Results of British rashness.

The caution so often displayed by the British commanders was combined with a rashness produced by contempt for their opponents, and ignorance of the problem in hand, that is sometimes almost beyond belief. A few examples will well illustrate this point. Gage sent one thousand men on an expedition, eighteen miles away from the main army, into a region where twelve thousand armed soldiers gathered about them in less than twelve hours. Howe led three thousand men, burdened with heavy knapsacks, up a steep hill, across fences and over ploughed land, on an intensely hot day, against soldiers commanded by veterans and protected by earthworks, and in consequence lost one-half his command. Burgoyne sent five hundred men away from his

main army into a region whence the captors of Ticonderoga had issued, and within reach of five times their own number of the enemy, commanded by one of the defenders of Bunker Hill. He lost the original detachment and part of another sent to its assistance. Tarleton attacked an American force of the same size as his own, commanded by Daniel Morgan, a man of great ability, without waiting to form his troops in line of battle. He lost nearly all of them, and barely escaped capture himself. These are a few examples of operations which might have been justified against the inhabitants of India, but against an enemy of British stock such rashness was criminal. The rank and file of the British army was excellent, and the terrible loss suffered at Bunker Hill was as much to their credit as it was to the discredit of their chiefs.

The theatre of war measured some thousand miles in extent from north to south—from the Penobscot to the Savannah. It was intersected by deep rivers and large arms of the sea. Indeed, in place of one field of operations, there were a dozen. Thus the Hudson River separated the Eastern from the Middle Colonies, and the Mohawk divided the Hudson valley again into two distinct geographical districts. The Delaware River and Bay bisected the Middle Colonies, and Virginia was cut up into many long slender tracts of land by numerous large streams, the James, the York, the Potomac, and others. These rivers, flowing generally from west to east, made an invasion from north to south, or the reverse, a matter of great difficulty. In the extreme south, the settlements on the seaboard were separated from those on the mountain slopes by long stretches of sandy barren land, sparsely inhabited. In the south, too, there were many rivers subject to sudden freshets and fordable, even at low water, only at long intervals. It was possible to seize the towns on the seaboard; but it proved to be exceedingly difficult to sustain an army in the interior. Everything, in

The Theatre of War.

short, so far as natural conditions of the country were concerned, made in favour of the defence.

British strategy.

Under these circumstances, the American army should have been followed wherever it went and fought to the end. Instead of making that army the objective, the British plan of operations consisted in the occupation of territory. A base for the storage of munitions of war, for hospitals, and for a repairing station for the fleets was necessary. The seizure of New York for that purpose was, therefore, justifiable. But that should have been all. As long as Washington, with his poorly-clad army, could keep the field, the British soldiers, supplied with an abundance of everything, should have followed him. Instead of so doing, no sooner was one town captured, than preparations were made to capture another. Each place as it was occupied required an army to maintain it. The rebellion could have been crushed only by stamping out opposition, not by seizing land. It will be well to note two leading errors of this kind. Boston was of no conceivable use to the British from a military standpoint. The army was necessarily at Boston in the beginning of the conflict, but Boston should have been evacuated the moment it became clear that Massachusetts would have the support of the other colonies, and this seems to have been the opinion of both Gage and Howe. Yet a British army was blockaded in that town for nearly eleven months, and the opportunity thus given the other colonies to organize their governments and armies was well used. The capture of Philadelphia in 1777 was even more inexcusable. The Continental Congress held its meetings at Philadelphia, but that town was not a capital in the sense that its capture would disorganize the government. Congress was obliged to move to some other town—that was all. But the occupation of Philadelphia withdrew another army from the field, as it was beyond supporting-distance from New York.

The war begun in New England was recommenced in the Middle Colonies. Before the conquest of either of those sections was even fairly certain, the conquest of the South was undertaken. The New Englanders proved themselves able to deal with every force the British government placed in that section. With some help from the other colonies, the people of the Middle Colonies held the British in one or two seaboard towns. In the South, Cornwallis seemed to be supreme for a time. But Greene, with fifteen hundred regulars, assisted by large bodies of Southern militiamen, compelled the evacuation of the Carolinas. Cornwallis marched up and down Virginia, attended closely by Lafayette, but at the end of the campaign he held only one town. Thus each section when attacked seemed able to defend itself. Under these circumstances, had there been no interference from outside, the struggle would have continued until the people either of America or of Great Britain should become exhausted. It is by no means certain that the Americans would have been the first to succumb. We of the present day lay too much stress on the evil effects of a depreciated currency and large debts. The social organization of the colonies, outside of the few large towns, was very simple. The people as a whole could have got on well enough had there been no currency at all. The farmers ploughed, planted, and reaped in comparative security. In the intervals of farm work, they would shoulder their muskets and fight Burgoyne or Cornwallis, then return home and go on with their labour. The sea-faring inhabitants of the coast engaged in privateering, and made a fair living from that precarious calling. War conducted on these lines might have continued indefinitely. The contest, however, was not to be thus decided. France, anxious to regain her lost prestige, joined the colonists as soon as Burgoyne's surrender made it reasonably certain that they could maintain themselves. Later, Spain and Holland took part in

Character of the contest.

the struggle. The navy of France gave the supremacy of the sea to the Allies for a few weeks in 1781, and Cornwallis was captured with his army. It is correct, therefore, to say that the aid afforded by France decided the conflict. It is, nevertheless, by no means certain that, had France held aloof, the contest would have had any different termination—although the end would no doubt have been postponed.

"Siege of Boston," 1775-76.

The "Siege of Boston" began on April 19th, 1775, and continued until March 17th, 1776, when the British abandoned the town. During that time, from five to ten thousand veterans, commanded by five generals, Gage, Burgoyne, Howe, Clinton and Pigott, suffered themselves to be blockaded in a small town, often ill-supplied with provisions, fuel and forage, by a force consisting of from ten to twenty thousand undisciplined farmers and mechanics. This latter force was poorly equipped and changed in size and composition every week. Until July, 1775, it had no commander-in-chief. This inactivity of the British army is easily explained. The town of Boston was built upon a peninsula, which was connected with the mainland by a narrow strip of sand over which the tide sometimes flowed. This was defended by the besieged. But at the landward end, the blockading force had erected strong works which prevented egress from the town in that direction. In this way it was difficult for the British army to attack the colonists. Furthermore, the army blockading Boston was a mere vanguard. The whole adult male population within a radius of forty miles formed the real army besieging Boston. Forty thousand men could have been placed in the field for a few days' service at any time. Then, too, the topography of the country greatly favoured the insurgents. The eastern part of Massachusetts is composed of relics of the terminal moraine of an ancient glacier in the shape of little oval hills called drumlins by the geologists. Three of these little hills—one of them known

as Bunker Hill—formed a peninsula on which the town of Charlestown was built. This was situated between the Charles and Mystic Rivers to the north of Boston. It was connected with the mainland by a narrow isthmus which might well be described as a natural causeway. South and east of Boston was another and similar "neck," then known as Dorchester Heights, but now forming South Boston. The road for the British out of Boston and for the colonists into that town lay in the possession of one or both of these subordinate peninsulas. On June 16th, reports reached the Colonial head-quarters that Gage intended to seize Dorchester Heights. The colonists determined to divert him from the execution of this plan by seizing the Charlestown hills. The occupation of this position had been long in contemplation, in connection with batteries to be placed on hills on the mainland, whose fire, converging in front of the works to be erected on Bunker Hill, would prevent a successful assault. But the supporting forts could not be supplied with artillery, and the project had been deferred. It was now decided to seize Bunker Hill, and to defend it as well as possible. But Prescott and his men, marching in the darkness of the night of June 16–17, passed Bunker Hill and threw up a redoubt on Breed's Hill, nearer Boston. The conflict is always known, however, as the Battle of Bunker Hill. Instead of using his preponderance in shipping to attack the Americans from the rear, Gage ordered an assault in front. Prescott and Stark, with some three thousand men, defended the redoubt and connecting lines. Howe, Clinton, and Pigott led five thousand men to the attack. Twice that splendid force marched up the hill to be turned back by a musketry fire. The third assault succeeded, mainly because the American ammunition was exhausted. The loss of from one thousand to fifteen hundred of their men attests the gallantry of the British soldiers. Few more splendid actions are recorded in history. But the comparative smallness of the colonial loss, four hundred

and forty-one—most of which was suffered during the hasty retreat—shows the nature of the task to which Gage had set his men. The Americans were beaten at Bunker Hill and driven from the field; but the gallant defence they had made gave them a feeling of confidence in themselves of the greatest importance in the ensuing campaigns.

Second Continental Congress, 1775.

The Second Continental Congress met at Philadelphia, May, 1775. It continued in existence until the Articles of Confederation went into operation in 1781. At first it was only a meeting of the radical leaders in the several colonies. It soon acquired supreme power and exercised the functions of a sovereign.

The War becomes general, June, 1775.

It adopted the army blockading Boston as its own, and undertook the defence of Massachusetts as a national affair. Political necessity required a southern man to lead the army, and George Washington, a delegate from Virginia, was appointed Commander-in-chief (June, 1775), the actual commanders in the field being commissioned as major and brigadier-generals. Washington's place in the Virginia delegation was filled by the election of Thomas Jefferson, a much younger man, but already prominent from the boldness of his written opinions. Congress now issued a "Declaration setting forth the Reasons for Taking up Arms." Later, another petition was sent to the king, praying him, as "constitutional arbiter" between the several parts of the Empire, to use his veto power to protect his loyal American subjects from the oppression of his subjects living in England, exercised in the form of acts of Parliament. The only answer vouchsafed to this "Olive Branch" petition was a proclamation against traitors and rebels. In this manner the king drove more persons to rebellion than all the radical leaders in the colonies had done in the whole course of the dispute. Until that time, hundreds of thousands of persons, who denied the legislative power of Parliament, were strong in

their loyalty to the king; soon they were to be ready for independence.

Washington took command of the American army at Cambridge on July 3rd, 1775. He soon brought some semblance of order out of the military chaos which then prevailed. With an army constantly fluctuating in numbers, without heavy ordnance, and for weeks at a time without powder, he presented a firm front to the British. The magazines of Ticonderoga and Crown Point, seized in May, 1775, supplied ordnance as soon as the snow of the next winter made transportation possible. The Massachusetts navy provided powder, the spoil of an ordnance vessel captured from the British. In March, 1776, Washington was able to take the offensive. He seized Dorchester Heights and compelled the evacuation of Boston. In the interim, an invasion of Canada, led by Montgomery and Benedict Arnold, had proved a complete failure.

Evacuation of Boston, March, 1776.

The first half of the year 1776 was, in some respects, the most important in the history of the country. Then it was decided to break loose from the mother land and to establish a new nation upon the American soil. Many English writers, from the epoch of the Revolution to the present day, have conceived themselves able to trace the independence of the United States back to the first settlement of the older colonies. This is true in the sense that the causes which ultimately brought about independence may be discovered in the beginning of the seventeenth century. It is not true, however, that any considerable body of colonists expected or desired independence earlier than the year 1776. Washington stated that in July, 1775, when he took command of the army, he "abhorred" the idea of independence. No doubt he expressed the feeling of the great mass of the people at that time. The modern American student, so far from being able to discern any conscious growth towards independ-

Growth towards independence.

ence, is impressed by the great reluctance with which the people approached the final separation. The contemptuous rejection of the "Olive Branch" petition converted many. Among other important steps in bringing about a change of sentiment, was the necessity for making new provisions for the local governments.

Early State constitutions.

As the contest widened, one colony after another found itself without any government. In some cases the attempt of the king's representative to prevent assistance being sent to Massachusetts brought on the conflict. In other cases, the endeavour to settle some local grievance by force compelled the governor's abdication. In Massachusetts, a Provincial Congress, representing the people, assumed power in the beginning. Afterwards, the Charter government was restored without a governor —the Council performing many of the executive functions. Connecticut and Rhode Island continued under their seventeenth century charters, and New Hampshire was the only New England colony which was governed as a Royal Province. The departure of the governor left affairs in a state of disorder in that province. The people of New Hampshire were obliged to make some provision for government in order to protect themselves and to aid Massachusetts. They applied to the Continental Congress for advice, and, in conformity to its suggestion, established (Jan. 1776) a temporary organization "to continue only during the present unhappy differences with Great Britain." In May, 1776, every colony was in open revolt. Congress then advised each colony to assume such form of government as should seem best. The first colony to act under this vote was Virginia, which had been governed for some time by a "Convention," elected by the people. The first constitution of Virginia, adopted in June, 1776, is of considerable historical interest. The Bill of Rights prefixed to it was the work of George Mason. It contained an admirable exposition of the American theory of

government, only equalled in that respect by the Declaration of Independence and by the Bill of Rights, drawn up by John Adams and adopted by Massachusetts in 1780. The Virginia Constitution also contained a Declaration of Independence, and a summary of the causes which led to this action, from the pen of Thomas Jefferson. It bears a close resemblance to the great declaration, and was formulated only a few weeks earlier. It is important to notice that this action of New Hampshire and Virginia was taken, as above stated, in conformity with the advice of the Continental Congress.

Paine's *Common Sense.*

No one can read the State papers of the revolutionary period without being impressed with the constitutional knowledge and literary skill of their authors. Yet it well may be doubted if, all put together, they exerted so much influence in bringing the people to an acquiescence in the policy of independence as was exerted by one small pamphlet, Thomas Paine's *Common Sense.* It is fortunate that our task does not require a description of Paine's personal character. He came to America, was recognised as a man of remarkable literary power, and was encouraged by Franklin and Jefferson, who may have been unaware of the moral contamination which lurked in his neighbourhood. Certainly, he was a friend to liberty. In January, 1776, he published, anonymously, a pamphlet showing in simple language that "common sense" dictated independence. Among other reasons which he gave, was the improbability of foreign nations interfering in the dispute so long as the Americans acknowledged allegiance to the British king. The essay met with great favour. It was read and debated in smithy and shop, and converted thousands of the people.

Declaration of Independence, 1776.

Virginia now again took the lead, and directed her delegates in Congress to propose a declaration of independence. The motion was made in Congress by Richard Henry Lee, the chairman of the

Virginia delegation, on June 17th, 1776. It was seconded by John Adams of Massachusetts. As many delegates were not instructed in the matter or, indeed, united in the approval of the proposal, the discussion of the motion was postponed for two weeks. To save time, however, a committee consisting of Jefferson, Franklin, John Adams and two more, was appointed to prepare a declaration for discussion in case the motion should be adopted. This committee intrusted the drafting of the document to Jefferson, while it fell to John Adams to defend the motion on the floor of Congress. The ablest man on the other side was John Dickinson, a most patriotic and high-minded statesman. As the debates of Congress were secret and no notes of this disputation were ever published, we have slight knowledge of the arguments of the two champions. After more delay, and after a good deal of concession on both sides, the motion was finally carried on July 2nd, 1776. Two days later, on July 4, 1776, the Declaration of Independence was adopted, though somewhat toned down and in a few cases materially altered from Jefferson's original draft. Some weeks afterwards, it was signed by the members of Congress present at the time of signing. This was done probably to protect Hancock, the presiding officer of Congress, who had attested the first copies of the document sent out on July 5th. The Declaration of Independence, apart from its arraignment of the king, contains the clearest definition of the theory of democratic government in existence. It is, therefore, of interest not to Americans alone, but to all civilized peoples. The Declaration contained in a concise form the theory of government commonly held by the people of the United States. It was the result of a long historical development, and was of American and English parentage. The ideas of Locke and Hooker can be seen in every sentence of the theoretical part. In fact, so impregnated was Jefferson with the language of Locke's essay, that, in some cases, he repeats the very words

of the great philosopher. In his *Ancient Law*, Sir Henry Maine makes the curious statement, which has been repeated by later and less distinguished writers, that, in their great Declaration, the American jurists combined the French idea of equality with the more familiar English doctrine, that all men are born free. It will be interesting for the student to turn to the Declaration itself[1] and observe that there is no statement in that document to the effect that men are born free; the words are, "all men are created equal." Furthermore, the doctrine of natural equality is to be found in Hooker's *Ecclesiastical Polity* and in Locke's *Essay on Government*. Later, at the outbreak of the French Revolution, Jefferson was United States Minister at Paris. He returned to America in 1790, greatly influenced by French ideas. But there is not the least evidence that in 1776 he knew anything of French political writers, except Montesquieu, and in the latter's book there is no statement of the natural equality of man. The Americans received valuable material aid from France. Their theories they inherited from their fathers, as their portion of the common heritage of the English race.

The Hessians.

The seat of war was now shifted to the Middle States. In the summer of 1776, Sir William Howe, the new commander-in-chief, entered New York harbour with a powerful army, convoyed by a strong fleet under the command of Admiral Lord Howe. A large portion of the new troops were German veterans hired from their masters, the Landgrave of Hesse-Cassel, the Duke of Brunswick, and some others. The "dirty selfishness" of these men, as Frederick the Great termed it, is beneath contempt, and almost beyond belief, were it not so well authenticated. These leased soldiers, for it would be unfair to call those mercenaries who had not the option to go or stay, numbered, including all who came to America, some thirty thousand men. About

[1] Appendix II.

eighteen thousand arrived in 1776, mostly from Hesse-Cassel. For this reason, the whole body was known to the Americans under the generic term of Hessians. To the English government there seemed nothing incongruous in hiring these men. The British king was a German prince—although he himself had been born in England. In the wars which Great Britain had waged on the Continent it had been customary to hire the Germans, in one way or another, to fight Britain's battles. The only new circumstance in this case was the fact that these foreign soldiers were now employed to kill English people who happened to live beyond the ocean. The opposition in Parliament remonstrated against the business for this reason, but their remonstrance was unavailing. The great mass of Englishmen seem to have viewed with rejoicing the acquisition of a force which they were led to believe was both cheap and efficient. In reality, the employment of these soldiers was one of the greatest mistakes made by the government. It aroused in the breasts of many lukewarm Americans a desire for independence; it induced others to acquiesce in the Declaration of Independence; and it justified, in the eyes of many men, the alliance with France and Spain. The fate of these poor "Hessian" soldiers was indeed a hard one. Torn from their firesides and families, they were sent to the conquest of a savage people—for so most of them regarded the Americans. They found the art of war quite undeveloped in many respects in America. In Europe, where the father of this same Landgrave of Hesse-Cassel had in one campaign loaned six thousand soldiers to either side, the amenities of war were fully developed. There was as little shooting as possible, and one might almost imagine the two pickets of the opposing forces calmly smoking their pipes together and communicating the latest news from home. With the Americans the case was different. They were fighting for everything that was dear to them. Whenever they had a good opportunity

to shoot an opponent, they shot him. The American statesmen, however, endeavoured to induce the "Hessians" to desert. In 1776, Congress passed a resolution, drafted by Jefferson, Franklin, and John Adams, offering land in amounts of one thousand acres to every Hessian colonel, with suitable amounts to other officers, and one hundred acres to every private who should desert. Before the end of the war, the Hessians and the Americans understood each other well, and desertions seem to have been frequent. The most attractive person in this throng was the Baroness Riedesel, the young wife of one of the Hessian generals. She is chiefly memorable for a charming journal which she kept, and which gives us glimpses of American life as viewed by an outsider. On her way to America, she heard a story of the indecent and brutal treatment of two women by the Boston mob. This tale, given on hearsay evidence, was incorporated by Lord Mahon in his history, and has been repeated by later and generally fairer writers. There is not the slightest hint as to any such occurrence in any newspaper of that time, in the papers of the very respectable family to which the alleged victims belonged, nor in any document of that period which has come to light. The Boston rabble did many things which might well have been left undone, but there is no recorded instance of their behaving indecently to any woman. The story was probably told to the credulous German woman by some person as ill-disposed to her as to the Americans. International comity, to say nothing of the ties of blood, might well forbid the relating of such discreditable anecdotes, except when well attested.

The Campaign of 1776.

Washington gathered to the defence of New York about one half as many men as Howe could place in the field. Yet the latter General by his supineness allowed the Americans to escape from Long Island, and then from Manhattan Island, on the southern end of which New York city then stood. Still hesitating, Howe

occupied the whole of the following autumn and early winter in driving one part of the American army up the Hudson, and the other part across the Delaware. Then, instead of following up Washington's diminishing and poorly-equipped forces, he placed his fine army in winter-quarters extending from the Hudson to the Delaware, a distance in a straight line of some seventy-five miles! This was Washington's opportunity, and well he improved it.

The surprise of Trenton.

Crossing the Delaware on Christmas night, 1776, with about twenty-four hundred men, he marched through storm and cold to Trenton. At daybreak he surprised the Hessian detachment stationed there, capturing nearly one thousand men—one hundred and fifty more making good their escape. This sudden and decisive return of the offensive saved the Revolution, which, at that moment, seemed about to perish from inanition. Cornwallis, with a strong force, was immediately sent against the Americans. Outwitting him, Washington fought a sharp action at Princeton and gained the high lands of New Jersey. His presence there compelled Howe to abandon his distant outposts and to keep his army within supporting distance from New York.

Plan of the Campaign of 1777.

The British plan of campaign for 1777 was quite elaborate —including two distinct movements, one for the capture of Philadelphia, the other for the occupation of the line of Lake Champlain and the Hudson River, thus separating New England from the other colonies. The former operation was successfully carried out. Howe, commanding in person, carried a strong army on shipboard to the Chesapeake, and thus approached Philadelphia in the rear of its defences. Washington opposed him at the crossing of Brandywine Creek, which empties into Delaware Bay some distance below Philadelphia; but his position was turned and he was obliged to abandon the city to the British. Later, when a good opportunity offered itself, he surprised a

large detachment of the British army at Germantown; but here again, owing mainly to misfortune, he was unsuccessful. Retiring up the Schuylkill River to Valley Forge, a strong position among the hills, the American army passed a terrible winter. But there they were drilled by Steuben and his subordinates until the Continental Line became an admirable force.

Burgoyne's Campaign.

The execution of the other portion of the campaign was intrusted to Burgoyne. It had been intended that Howe should co-operate with him from New York. The story is related, however, that the orders to that effect reached New York too late, owing to Lord George Germaine having placed them in a pigeon-hole that he might attend a garden-party. At all events, Howe went south, leaving Clinton at New York with too weak a force to succour Burgoyne. At the other end of the line Sir Guy Carleton, the British commander in Canada, felt aggrieved at not having command of this expedition, and placed many obstacles in Burgoyne's way. That general, after crossing the Canadian boundary, enjoyed a brief period of success. Driving the Americans under St Clair before him, he reached the portage between Lakes Champlain and George and the Hudson River without serious opposition. From that point the expedition was one series of misfortunes. Burgoyne occupied fifty days in marching seventy miles through the wilderness, the delay giving the New Englanders time to drop their ploughs, seize their muskets, and march to the Hudson. The British reached the river with diminished supplies. To replenish them in part and, also, to secure mounts for his cavalrymen, he sent five hundred dismounted German dragoons with a few loyalists and some Indians to Bennington, not far toward the east. It is probable that Burgoyne was led into this error by too implicit a reliance on a statement to the effect that numerous loyalists were waiting in the vicinity of Bennington for the arrival of the king's troops in order to show their loyalty. Indeed, it seems

that Stark's shirt-sleeved farmers were at first mistaken for the promised loyalists. This was not the only time in the war that faith in the existence of loyalists cost the British heavy losses.

The Loyalists.

A large minority, indeed, according to some writers, a majority of the people, was still loyal to the king—in a half-hearted sort of way. These were, for the most part, men of moderate views, who preferred remaining neutral to fighting on either side. When forced to take sides, they probably took part against the king, as their radical neighbours were nearer at hand and better able to annoy them than were the king's forces. On the other hand, if the king had shown his power to protect them, they would have been on his side. Of course there were many loyalists who devoted their lives and their fortunes to the king's cause; but the great mass of that party simply desired to be let alone. The first detachment sent by Burgoyne was captured by Stark and his men from Western Massachusetts and New Hampshire (Aug. 16, 1777), who sent a relieving force staggering back to the main army. There is something almost pitiable in the fate of these heavy-armed German dismounted dragoons thus sent to their death in a wilderness. At about the same time, another disaster befell Burgoyne on his other flank.

St Leger's Campaign.

With a strong body of light-armed troops, St Leger marched from Canada to co-operate with Burgoyne by the way of Lake Ontario and the Mohawk River. Guarding the portage between the lake and the river stood Fort Stanwix or Schuyler, near the site of the present town of Rome. St Leger laid siege to this post, and defeated a relieving force commanded by the gallant Herkimer at Oriskany (Aug. 6, 1777); but on hearing that Arnold with a strong detachment was marching against him, St Leger abandoned the siege, and retreated in all haste to Canada. These two disasters deprived Burgoyne of his light troops and cavalry.

Passing the Hudson, he pushed on and, advancing in three columns through a wilderness, he was suddenly attacked with great fury by the Americans, led by Arnold and Morgan, at a clearing known as Freeman's Farm on the afternoon of September 19. Before he could get his army well in hand, the Americans retired to the main army under Gates. This general had superseded Schuyler, who was not trusted by the New Englanders. Gates had placed his army across the road, on Bemis Heights, where the hills come close to the river-bank. Burgoyne also placed his army in intrenchments. On October 7th a sharp battle was fought. The Americans, led by Arnold, who meantime had been dismissed from his command by Gates, penetrated the centre of the British line. That night Burgoyne retreated to Saratoga, but when he again reached the river he found a strong body of Americans posted on the other bank. Soon the left of the American line was extended and there was no alternative save surrender. On October 17th (1777) the British laid down their arms and began their march to Boston. It would be well if the student could stop here. The Saratoga Convention stipulated that the British soldiers should embark on transports to be provided by their government, and should not serve again in North America until exchanged. Weakness or good-nature had induced Gates to grant these terms. The convention was not carried out in good faith by either party to it. The public property was not given up by the British, and a demand for a descriptive list of the prisoners drew from Burgoyne some ill-advised words, to the effect that the convention had been broken by the Americans. These things, trifling in themselves, may be held, in some slight degree, to justify the Continental Congress in its refusal to ratify the convention. The real reason, however, for that action seems to have been a natural fear on the part of the French government lest the "convention troops" should be used against

The Saratoga Convention, 1777.

them in Europe. On moral grounds this action of Congress cannot be defended, but legally it was justifiable.

The French monarchy now decided to take an active part against England in alliance with the Americans. In 1776, Silas Deane, Arthur Lee and Benjamin Franklin arrived in Paris as commissioners from the United States. The French government, welcoming a chance to injure Great Britain, lent the Americans money and sold them arms, munitions of war, and other military equipment. The transaction was somewhat clumsily disguised under the form of a business negotiation with a supposed Spanish mercantile firm whose only partner was Beaumarchais, the playwright. The plot was suspected by Lord Stormont, then British Ambassador at Paris, and the French government felt obliged to elude his vigilance by placing obstacles in the way of the transportation of these supplies from the French arsenals to America. As an offset to the extra expense thus incurred, a million francs was placed in Beaumarchais's hands. The supplies procured in this roundabout way were of the greatest assistance to the Americans. Further than this, the French seemed unwilling to go. But when the great victory at Saratoga became known at Paris, all obstacles were removed. France recognised the independence of the United States, and (1778) concluded with the Americans treaties of commerce and of eventual alliance in case Great Britain should begin hostilities against her old rival. The announcement of her action was communicated to the British government in a manner inviting war, and Great Britain at once declared war against France. Lord Chatham proposed to withdraw the armies from America, win back the affection of the Americans, and together combat the Bourbon power. It is possible that in his hands such a policy might have succeeded. The king, however, refused to appoint him prime minister, suggesting that, perhaps, he might take office under Lord North! That minister proposed to abandon

The French Alliance, Jan.–Feb. 1778.

nearly all the points in dispute, provided the Americans would yield on the question of independence. But the concessions came too late. The war continued, but from this time on, the British assumed the defensive in the North.

Clinton, Howe's successor, decided to abandon Philadelphia and to march overland to New York. Washington, on his part, determined to attack him while on the way. At Monmouth the two armies came together. The destined commander of the American advance was Lafayette, but Washington against his will was obliged to confide it to Charles Lee, who had recently returned from captivity, and claimed it by right of seniority. Lee lost control of his men, withdrew them in disorder, and a disaster seemed imminent, when Washington reached the front. Sending Lee to the rear in disgrace, he re-established the battle. The British held the field, but retired during the night. This was the last serious engagement in the North. The British sent marauding expeditions along the coast, which only served uselessly to exasperate the inhabitants, and there were a few partial engagements, and one brilliant affair, the assault of Stony Point, by the Light Infantry under Anthony Wayne. The treason of Benedict Arnold, however, nearly brought disaster to the American cause, and resulted in the lamentable death of an agreeable young man, John André.

Battle of Monmouth, June, 1778.

Benedict Arnold, the hero of Quebec and Saratoga, was now in command of the most important magazine and stronghold on the American side, West Point on the Hudson River. Burdened with debt and disaffected at the ungenerous treatment he had received at the hands of the Congress, Arnold had for some time meditated treason. He asked for the command of West Point that he might surrender something of value. Dishonourable himself, he was afraid to trust others, and demanded a personal interview with Clinton's agent, his aide-de-camp Major André. The interview, begun

Arnold and André, 1779.

outside the American lines, was concluded within them, whither André, unsuspecting danger, had been led by Arnold. He passed them again in disguise, under an assumed name, and was captured between the lines with compromising papers concealed in his boots. His status was inquired into by a court appointed by Washington, and on its report that he was a spy, he was executed as such. Into the legal aspects of the case it is unnecessary to enter here. The arguments on both sides are admirably set forth in the text and notes of Sir Sherstone Baker's edition of Halleck's *International Law*. It may be said here that Lord Mahon's description of the Court of Inquiry does not bear a careful examination. He stigmatizes Nathanael Greene, who presided over the court, as ignorant of Vattel and Puffendorf, and as having "no light of study." As a matter of fact, there was no man in America who probably knew more about the usages of war than Nathanael Greene. Vattel was a book much read by the American leaders of that time, and the idea that Greene "had no light of study" cannot be admitted for a moment, when we remember his conversations with Steuben about the Latin poets. Lord Mahon concedes that Steuben, another member of the court, probably knew the usages of war, but adds that he could not speak English, while his colleagues could speak neither German nor French. He says, furthermore, that Lafayette, a third member of the court, though holding high rank in the French army, was only twenty-three years of age, and had not made good use of his opportunities at College. Surely Lafayette, who wrote and spoke English correctly, could have interpreted to his colleagues the sage observations of Steuben. As for Arnold, he received early notice of André's capture and escaped to New York (Sept. 1779).

The whole interest of the war now centres in the South. Clinton probably felt that it was unwise to attempt any further offensive movements in the North with the inadequate

force then at his disposal; or, indeed, with any force which the British Government could place in America. He seems to have believed in the existence of a large loyalist population in the South; and there was some foundation for this opinion, as the two parties were evenly balanced in some parts of that section, especially in the newly-settled portions of the Carolinas and Georgia. At all events, in the autumn of 1778, preparations for a campaign in the South were rapidly pushed forward. Two years earlier (1776), Clinton had commanded the land forces in an attack on Charleston, South Carolina, which had ended in failure, partly because the army had been unable to co-operate with the navy at the critical moment. It was now proposed to gain a foothold on the shores of the Savannah River first, and then to approach Charleston by land. The town of Savannah was captured in the winter of 1778–79, and maintained against a combined French and American force which laid siege to it the next year (1779). It was not until Clinton came South with a large army in 1780, that Charleston surrendered. The commander-in-chief was soon after obliged to return to New York to watch a large French army, under the Marquis de Rochambeau, which had landed at Newport in the summer of 1780. Cornwallis was left in command in the South, and he was ably seconded by Lord Rawdon, afterwards Marquis of Hastings, and Cornwallis's successor as Governor-General of India. The British cavalry was commanded by Lieutenant-Colonel Sir Banastre Tarleton, who in after years showed his capacity for war by severe strictures on the Duke of Wellington's conduct as a military commander. These three officers evinced more enterprise than any other British commanders in the whole course of the war. Cornwallis rapidly overran South Carolina, routed Gates and a new American army near Camden (Aug. 16, 1780), and began the subjugation of North Carolina. Hearing of the existence of a large body of loyalists

The War in the South, 1778–80.

in the interior settlements, he sent Colonel Ferguson, with his riflemen composed mainly of Northern loyalists, to beat up recruits in the settlements at the foot of the mountains, and also to disperse some parties of American troops reported to be in that region. The presence of this force at their very doors incited the hardy pioneers of Tennessee and Kentucky to take part in the war. Riding rapidly through the defiles of the mountains, these backwoodsmen suddenly appeared as if out of the clouds. Ferguson, hearing of their design, began his return march to join the main army. But it was too late. He was surrounded and surprised in his camp on King's Mountain (Oct. 7, 1780), losing his whole force and his own life at the same time. The pioneers, having dealt this severe blow, returned to their homes—almost as silently and suddenly as they had emerged from them.

Greene's Southern Campaigns.

Not long after, Nathanael Greene took command of the American forces in the South. Dividing his small army, he stationed himself next the main body on Cornwallis's right flank, and sent his able lieutenant Daniel Morgan, the hero of many hard-fought contests, with a thousand men to threaten Cornwallis's left flank. Morgan's advance became so threatening that Cornwallis detached Tarleton with a well-equipped force of one thousand men to drive him back. He then put the main army in motion to cut off Morgan's retreat and prevent him from joining Greene. Tarleton found Morgan's army at the Cowpens with its back to a deep river (Jan. 17, 1781). Urging his men forward, without waiting to deploy, he rushed at the Americans. In a few minutes his force, with the exception of perhaps two hundred men, was killed, wounded or captured, Tarleton himself barely escaping. Without losing a moment, Morgan began his retreat, eluded Cornwallis, and sent his prisoners to Virginia for safe keeping. These two disasters at King's Mountain and the Cowpens deprived Cornwallis of

nearly all his light troops. Realizing the seriousness of his position, he burned his train and all but his most necessary supplies, and started in pursuit of Morgan's force, now commanded by Greene. Then followed one of the most interesting movements in the annals of the war. For days the two opposing forces seemed to be marching almost as one. In the end, Greene united the two wings of his army and retired across the River Dan into Virginia. Hastily gathering recruits he recrossed that river and placed his army in a very strong position at Guilford Court House, and there was fought one of the most fiercely contested battles of the war (March 15, 1781). Cornwallis won, as Greene retired from the field. Another such "victory," as Charles James Fox exclaimed, would ruin the British army. Leaving his wounded to the care of the Americans, Cornwallis marched to Wilmington, to recruit the strength of his soldiers and replenish his equipment. The interior of North Carolina was abandoned and Greene marched southward to the succour of the people of South Carolina. In that state, too, he lost several battles, but he compelled the evacuation of all the posts in the interior of South Carolina and Georgia. By the winter of 1781, Savannah and Charleston alone remained in the hands of the British. They, too, were abandoned in December, 1782.

Cornwallis's Plan of Campaign.

Few commanders have had a more difficult problem to solve than that which confronted Cornwallis at Wilmington. The real objective in the Carolinas was Greene and his thousand regulars. But that general was already far away on his march to South Carolina. Cornwallis might have followed him; but the easiest and quickest way to reach him would be to go by water to Charleston. From that seaport Cornwallis could march to Camden and begin the campaign anew. He decided, however, to proceed northward to Virginia. The precise reasons which led Cornwallis to adopt this new plan of campaign are

not known. He may have thought that Rawdon with three thousand men could baffle Greene. Perhaps he realized the great difficulty of conquering and holding such a sparsely settled country as the Carolinas. We know that he deemed the conquest of the South impracticable as long as Virginia was in American hands. He, therefore, for these or other reasons, determined on the conquest of that commonwealth. There was a small British army there already, commanded by Phillips and the traitor Arnold. Cornwallis thought that by combining these troops with his own he would be stronger than any army the Americans could place in the field against him. Phillips died before Cornwallis reached Petersburg. The latter would have nothing to do with Arnold, and sent him back to New York.

Lafayette and Cornwallis, 1781.

There was at that moment a small American army in Virginia, for Washington had sent Lafayette with one division of the Light Infantry to capture Arnold. The great advantages which the topography of Virginia offers to the defending army have been noted above, and will be described at length when we come to the campaigns of 1861–65. It is enough to say here that Cornwallis and Lafayette with their respective armies marched up into the country and then marched down to the seaboard again. Cornwallis went into summer-quarters at Portsmouth, and later, removed to Yorktown, which he strongly fortified, in obedience, as he thought, to Clinton's orders. Lafayette encamped some miles away near the junction of the Mattapony and Pamunkey Rivers; and this was the position of affairs in September, 1781.

Siege of Yorktown, 1781.

The French alliance had produced few advantages to the Americans up to that time. It had necessitated the evacuation of Philadelphia by the British; but the attempts of D'Estaing, in conjunction with American armies, to capture Newport and Savannah had both ended in failure. In the summer of 1780 Rochambeau,

with some six thousand excellent troops, had landed at Newport, which had previously been abandoned by the British. The fleet which brought him over had been immediately blockaded by a British squadron, and for a whole year the French army had remained idle at Newport to protect the shipping. Their presence there had been a source of great profit to the farmers of Southern New England, as they consumed large quantities of vegetables and provisions, paying therefor in specie. In the early summer of 1781, De Grasse, the French naval commander in the West Indies, sent word that he would sail northward with his whole fleet in July or August. Washington was anxious to use this force to capture New York; but De Grasse refused to cross the bar outside that harbour and suggested that some joint operation in Virginia might be possible. The capture of Cornwallis was therefore determined on. Masking their movements so completely that Clinton considered the siege of New York as begun, the allied armies marched past New York and through Philadelphia to the head of Chesapeake Bay, while the French fleet at Newport made good its escape and anchored in Chesapeake Bay without having met a British ship. Meantime De Grasse, sailing northward, entered the bay on the same day on which the allied armies approached the northern end of it. The British admiral in the West Indies was Sir George Rodney. He entertained a strong dislike to Clinton, and instead of following De Grasse with his whole fleet, he sent a small squadron under Hood to reinforce the British naval force at New York. The British and French fleets fought an indecisive action which obliged the British to return to New York for repairs—De Grasse returning to the entrance of Chesapeake Bay. The control of the sea was thus for a few weeks in the hands of the allies. Besieged by more than double his own numbers and without hope of immediate succour, Cornwallis, on Oct. 17th, 1781, four years to a day from the surrender of Burgoyne, asked for terms of capitula-

tion, and two days later the British army, some seven thousand strong, laid down its arms. This disaster brought about the fall of the North Ministry, and the recognition by Great Britain of the independence of the United States.

The Peace Negotiations, 1782–83.

The King was now forced to summon the opposition to office and to confide the government to the Marquis of Rockingham, Lord Shelburne, Mr Charles James Fox and their followers who had opposed his policy in regard to both America and England. Shelburne and Fox, the two Secretaries of State, were the most important men in the new cabinet, managing home and colonial and foreign affairs respectively. Shelburne was a man of fair abilities but he was burdened with an unfortunate reputation for trickery and double-dealing. Of the many acts of bad faith with which he was charged, none was more serious than the "pious fraud" he was said to have committed against Henry Fox, the first Lord Holland, and father of his colleague Charles James Fox. Shelburne and Dr Franklin had been good friends before the war, and the former, sincerely desirous of bringing hostilities with America to a speedy termination, sent a messenger to Paris to inquire of Franklin upon what terms the Americans would consent to a cessation of hostilities. This matter coming to the ears of Fox greatly incensed him, for he deemed the negotiations with the United States as an independent nation to be within his province as Foreign Secretary. Shelburne maintained, on the contrary, that as independence would be granted in the treaty the conduct of the negotiations belonged to him. Fox seized the opportunity afforded by Rockingham's death in July, 1782, to resign in company with Mr Burke and his other friends. Shelburne then became Prime Minister and the negotiations proceeded without causing any more friction in the cabinet. At Paris, affairs did not go so smoothly. The three American Commissioners, who conducted this negotiation, were Dr Franklin,

John Adams, and John Jay. The last named was especially accredited to Spain. While at Madrid, he became convinced that the Bourbon governments were desirous of continuing the war in the interests of Spain, hoping, among other things, to recover Gibraltar. He also discovered that they were anxious to restrict the limits of the United States with a view to keeping the new republic as far removed from Spain's American possessions as possible. He thus suspected the good faith of France. Franklin, however, believed in the good intentions of the French government toward the United States, and pointed out that the instructions to the Commissioners required them to take no important step without the knowledge of that government. The treaty of alliance also forbade either party to make a separate peace with Great Britain. In addition, Jay insisted that the British government must negotiate with the Americans as representatives of an independent power. At this juncture, the British authorities placed in Jay's hands what purported to be a letter from Barbé-Marbois, Secretary of the French legation at Philadelphia, to his government, protesting against the Americans continuing to enjoy the rights to the fisheries which they had enjoyed as colonists. Jay sent an Englishman then in Paris to warn Shelburne of the machinations of the French government. At that moment there seems to have been an agent of Vergennes at London who had been sent to communicate to the British government the views of the Bourbon powers. Shelburne saw that now, if ever, was the time to conclude a separate treaty with the United States, and he waived all questions of form. At this juncture John Adams arrived in Paris from Holland, where he had been negotiating a loan. He agreed with Jay, and the two forming a majority of the Commission, they voted to break their instructions and to come to an agreement with England without the knowledge of France. The preliminary articles, which should form a definitive treaty whenever a general settlement

should be made, were signed on November 30th, 1782, the definitive treaty not being concluded until some nine months later, September 3rd, 1783.

The Treaty of 1783.

According to the American view, the Treaty of 1783 was in the nature of a partition of the British Empire. It followed from this, that the articles which extended the limits of the new nation to the Mississippi, defined them on the north, and gave rights to the "fisheries" having once gone into operation could not be annulled by a subsequent war. The intention of the negotiators was undoubtedly to give to the United States the territory of the English colonies as it was understood to exist before the late acquisitions from France and Spain, limited, however, by the Mississippi on the West in accordance with the treaty of 1763. The northern limit was the southern limit of Canada, as laid down in the Proclamation of 1763; and the southern limit was the northern boundary of the Floridas, according to the same proclamation. These several boundaries were described in the treaty with as much distinctness as was possible in the existing state of geographical knowledge. So imperfect was that knowledge that the last dispute arising under this instrument was not settled until sixty years later. Other provisions of the treaty gave rise to similar difficulties. Actual debts contracted before the war were to be considered as binding, but, as there was no central supreme court in the United States except for prize cases, this provision was not enforced before the establishment of the government under the new Constitution. It was provided also that Congress should recommend to the several States the restoration of property confiscated from the Loyalists. The "recommendation" of Congress was duly made and proved to be entirely ineffective: the States paid no attention to it and Parliament was obliged to care for the Loyalists. Another clause obliged the British to evacuate all posts within the limits of the

new nation, and to carry away no private property. Many slaves who had congregated at New York were carried away at the evacuation of that port. This was justified on the ground that places occupied by the British army were "English soil" in view of the famous decision of Lord Mansfield. It was also contended that when slaves or any other American property came within the British lines in time of war such property became British property. This controversy was never adjusted as Great Britain steadfastly refused to indemnify the Americans for their losses.

Effects of the War in America.

The peace found the people of the United States in a far more prosperous condition than at first sight would seem possible. The total population had increased some three hundred thousand in seven years. Of all the States, only Rhode Island and Georgia showed a decrease in population. The principal reason for this prosperity is that while the war had continued for seven years in the country as a whole, active operations had been carried on in no one portion of it for more than three years. First New England, then the Middle States, and finally the South had in turn been the seat of war. Falmouth was the only town destroyed during the conflict, and Boston was the only large town that was pillaged to any serious extent. Nor was the presence of the British army at a permanent station like that of New York, for instance, a commercial injury to the people of the neighbourhood. The British soldiers required provisions and generally paid good prices for what they bought. As we have seen, the same may be said of the French army—its presence was a benefit to Southern New England. Commerce was interrupted, but the tobacco crop, then the most valuable single crop, was sent to market, though in a roundabout way. Agriculture does not seem to have been seriously interfered with, and agriculture was the most important industry of the country. Historians seem to have

overlooked the part played by the American privateers-men. It has been stated, though on what authority is not clear, that as many Americans were engaged on the water as were in the armies on land, and we know from the rise in insurance at "Lloyds" that they must have been fairly successful in their pursuit. It should also be stated, that many manufacturing industries were established and profitably carried on during the war. The great depreciation in the currency has been often adverted to as showing the disastrous effect of the war on the people of the new states. But there is another side to this also. There were then few persons in the United States who depended upon the proceeds of invested funds. Most of the people lived on the proceeds of their own labour either on their own farms or as servants and slaves on the farms of their masters. The possession of more than a very small sum of money was unknown to the great mass of the people. Furthermore, the depreciation of the currency was gradual and spread out over many transactions. It was really in the nature of a tax, and was the only tax which the people could be induced to pay.

At all events, large quantities of specie were exported from the United States in the years immediately following the war. This was to pay for goods with which short-sighted English merchants and equally short-sighted American consignees glutted the markets of the country. This avalanche of British manufactures put an end for the time to American manufacturing, and induced the people to contract debts which they could not pay. Then real suffering ensued. All sorts of questionable expedients were resorted to. Repudiation of obligations, inter-state conflicts, and local rebellions became the rule. The years 1783—88 have well been called "the critical period" in the history of the United States. But, perhaps the suffering of those years was necessary to "extort" as John Adams said, "the Constitution from the grinding necessities of a reluctant people."

CHAPTER IV.

THE CONSTITUTION.

IT has been noted in an earlier chapter how the particularist tendencies of the people of the several colonies had prevented all the pre-revolutionary plans of union from consummation. At the beginning of the actual conflict, it seemed as if this obstacle to union had been overcome. Patrick Henry declared that government was dissolved and that the rebellious colonists were in a "state of nature." He proposed that colonial boundary lines should be disregarded, and that each hundred thousand persons should send one representative to Congress. At the time, however, no means existed of determining the population of the colonies. It was impossible to put any such scheme into execution, or even to apportion the representation in Congress among the several States. Congress was obliged to fall back on the familiar local organizations, and give to each colony one vote. If an accurate enumeration had been practicable, it is probable that representation would have been arranged according to population or wealth, or upon some combination of population and wealth. Had this been done at that time, the subsequent history of the United States might—in all likelihood it would—have been very different from what it actually has been. Historical students generally lament this decision of the First

Beginning of "particularism."

Continental Congress. They regard the particularism of a later day as unfortunate, for they are familiar with the evils which have resulted from the state-rights theories, and are given to attribute to particularism many evils which were the result of the prevalence of slave-labour in the South and of free labour in the North. But it may well be that the salvation of the country has been due to the strong local pride which prevails among its citizens and to their dislike of centralization. At the outset of the conflict the Continental Congress assumed and exercised many of the functions of sovereignty, and the people acquiesced in this assumption of authority. For example, Congress raised, equipped, and maintained armies; sent and received all diplomatic agents; and contracted debts for national purposes.

The States and the Confederation.

In the earlier years of the Revolutionary War, the State governments were formed, in compliance, it is true, with the advice of Congress. As time went on and the first feeling of enthusiasm gave way to a sense of depression, the people of the several States turned to their respective local governments as representing the old order of things and as the organizations with which they had the most to do and over which they exercised the most effective control. The central authority of Great Britain, which had bound them together, no longer acted as arbiter or protector. They determined to replace it by a central authority having such powers as they maintained the British government had possessed and no more. By the Articles of Confederation, therefore, they limited the functions of the national government—the United States in Congress Assembled—and gave it no coercive power whatever.

The Articles of Confederation.

The Articles of Confederation, as the frame of government for the union was called, were elaborated by a committee of the Congress, appointed in June, 1776. They were not completed until Novem-

ber, 1777. By that time, the reaction towards particularism was well advanced. Three years elapsed before the articles were ratified by the States, and they did not come into force until March, 1781. The successful prosecution of the war would have been very difficult had Congress been earlier limited in its authority. As it happened, the impulse given by the old Congress, feeble though it was, carried the country through the Yorktown campaign. The causes of this delay must be described at some length, because, as an indirect result of it, the United States as a whole became the owner of a large tract of land, the possession of which necessarily made strongly for nationalism.

Origin of the National Domain.

In 1783 Great Britain ceded to the United States the territory between the Alleghanies and the Mississippi. Even before the cession and regardless of historical facts and legal theories, several States put forth pretensions to an exclusive right to large portions of this vast domain. Many of these claims overlapped, Virginia's claim covering those of three other States. They were based on the old colonial charters, all but one of which had been annulled, and on other grounds. Connecticut, whose charter had been annulled and afterwards re-confirmed, claimed a large territory west of the settlements on the Hudson. Massachusetts based her claim to western lands on the charter of 1691, which had been suspended by Parliament in 1774. The Carolinas claimed lands under the charters of 1663 and 1665, notwithstanding the fact that the king had bought out seven of the eight proprietors in 1721. Georgia claimed under her charter of 1732, which had been surrendered to the crown in 1751, and under a further grant contained in the Proclamation of 1763. Virginia's claim was based on her charters of 1606, 1609 and 1612, which had all been annulled in 1624, since which time she had been a royal province. The king had even granted some of the land within her charter limits,

to the proprietors of Maryland, Pennsylvania, and Carolina. The western portion of Virginia under the charters he had disposed of by the Proclamation of 1763. Of all these claims, that of New York alone had no relation to royal grants. The Six Nations, or the League of the Iroquois, had submitted to the governor of New York as representative of the king. New York now asserted that the submission had been made to the colony of New York and that the state of that name was entitled to all the lands over which the Iroquois had ever exercised dominion. This territory included nearly all the land between the Alleghanies and the Mississippi north of the Ohio, and some land south of that river. Virginia also claimed the lands lying north of the Ohio by right of conquest, the British posts in that region having been captured by an expedition organized and paid for by Virginia. It will be noticed that no State seemed to regard the Quebec Act as binding. Nor did any State pay the slightest heed to the Proclamation of 1763, except Georgia, and that only as the Proclamation added to her territory. Yet it must be conceded that all the lands claimed under the charters except perhaps those claimed by Connecticut and Massachusetts had reverted to the crown years before. Six states—Maryland, Pennsylvania, Delaware, New Jersey, New Hampshire, and Rhode Island—could assert no title whatever to western lands unless as a part of the common property of the United States. Maryland was most seriously affected by the demands of the claimant States. Virginia, her southern neighbour, had already granted lands west of the mountains and proposed to liquidate her war debts and pension her soldiers by other similar grants. Maryland, having no such fund at her disposal, would be obliged to raise money by taxation to satisfy the just demands of her creditors and of her veterans. It seemed not improbable that under these circumstances large numbers of Marylanders would emigrate to Virginia, and that the former State would become

impoverished. Maryland, therefore, refused to ratify the Articles of Confederation unless the States claiming lands should cede their claims to the United States. After a long delay, New York, whose title was of the weakest kind, ceded it to the United States. Maryland then, trusting in the good will of the other States, ratified the Articles. The claimant States slowly, making as good bargains as possible for themselves, ceded the lands to which they regarded themselves as entitled —Georgia's cession in 1801 being the last. In this way came into being the "national domain," whose administration almost necessitated the continuance of a national government.

Importance of the Articles of Confederation.

The Articles of Confederation, thus brought into operation, have seldom received due consideration at the hands of historical writers. They have always been considered from the point of view of the Constitution which came later. The Articles should be considered from the more historical standpoint of what went before. They formed an essential step in the historical process by which the American people emerged from the colonial stage and formed itself into a nation. The Articles were drafted by men who had regarded the British Empire as a federative union, with the loosest possible bond of union in the shape of a helpless executive. They sought to reproduce such a federation with a representative executive instead of a king. Such a form of government was impossible, but experience was necessary to convince the American people of the impossibility.

Character of the new government.

The new union was in no sense a legislative union like that of England and Scotland in 1707. It resembled more the old union of those kingdoms through a chief magistrate, only in this case the chief magistrate was a body of men. It might well be termed, therefore, an executive union. The colonies had been united under a common executive, the British king—at least that was

the theory. They replaced him by a Congress composed of delegates from the several States, each State having one vote and the assent of nine States being necessary for the transaction of important business. Congress furthermore was designed to act as arbiter in disputes between the several States. The Congress had almost no legislative power, no power to lay taxes, nor to regulate commerce with foreign powers or between the States. It could recommend legislation to the States and make requisitions for money. On paper its executive powers were ample. To it belonged, for instance, the determination of war and peace, the regulation of the monetary standard, and the right to coin money. It also could exercise an admiralty jurisdiction; and treaties made by Congress were to be a part of the supreme law of the land. The weak point in the scheme was the absence of a sanction. Congress had no coercive power over individuals; it could act on individuals only through the State governments, and it had no power to coerce a State. Congress determined how much money should be raised for national purposes, and apportioned the amount among the States. It could not compel a State to pay one dollar; nor could it raise one dollar by an Act of Congress. The next few years demonstrated the viciousness of this system, and accordingly it was swept away and a strong consolidated government established in its stead. Nevertheless, the establishment of the Confederation under these defective articles was an event of the very greatest importance. It was possible for the people in 1777–81 to have established thirteen distinct governments, the inhabitants of each State forming a nation. The establishment of any central government, powerless though that government may have been, was one of those steps which never can be retraced. The lines of development were then marked out in the direction of nationality.

It may be asked how it happened that the control of the national domain remained in the hands of the United States.

Why was not the territory acquired from Great Britain and the claimant States parcelled out among the States according to population or in some other ratio? In the first place, it would have been exceedingly difficult, perhaps impossible, to have made a division which would have been at all satisfactory. Moreover the people really seem to have had some consciousness of nationality. The United States was merely one portion split off from the British Empire. In the old empire the title to and the administration of ungranted lands was in the Crown. It was natural, therefore, that in the new republic the joint executive which succeeded to the other functions of the Crown should inherit this function also. It will be convenient to here trace the further history of this subject.

The National Domain.

By the autumn of 1784, all the States claiming lands to the north and west of the Ohio River had ceded their claims to the United States with certain exceptions, as in the cases of Connecticut and Virginia. Congress at that time passed an Ordinance, mainly the work of Jefferson, providing for the ultimate formation of several grotesquely named states, as Polypotamia and Assenisippia. The Ordinance also contained a clause forbidding slavery in all the western territory after 1800. In 1787 the matter was taken up in earnest, owing to the persistence of a New England land and emigration company, which was unable to induce settlers to go to the new country unless they and their descendants should first be guaranteed full civil rights there. Congress, in compliance with this demand, although plainly nowhere vested with any such constitutional power, passed the well-known Ordinance of 1787, which was confirmed by the first Congress under the Constitution. With the exception of the Declaration of Independence and the Federal Constitution, no political instrument has produced more important results for the United States than has this Ordinance. As new terri-

The Ordinance of 1787.

tory has been organized this Ordinance with the occasional exception of the clause forbidding slavery has been the basis of the territorial organization. The Ordinance of 1787 provided a temporary government for the Territory North-West of the River Ohio by officials appointed by Congress. As soon as the settlers in the new territory should number five thousand, a representative legislature should be elected; and the people of the territory might send a delegate to Congress who, however, should have no vote in that body. Provision was made for the ultimate formation of six States out of the territory and they were to be admitted to the Union, on a footing of complete equality with the original States. The people of each State should frame a constitution for that State, which must be republican in form and receive the approval of Congress. The settlers who should go to the new territory were guaranteed civil rights, as, for instance, the benefits of the writ of *habeas corpus*, trial by jury, bail, and free representation in the legislature. The legislature was forbidden to make any laws impairing the obligation of private contracts formed previous to the passage of such law. It was also provided that education should be encouraged and the Indians properly treated. The three most important provisions of the Ordinance, however, and those which have given it a place in history, are those providing for the equal distribution of the estates of intestates, prohibiting the molestation of any person on account of his mode of worship or religious opinions, and forbidding absolutely and for ever slavery except as a punishment for crime—with a provision for the rendition of fugitive slaves. The precise meaning and binding force of the Ordinance and of its several parts are questions which have agitated courts, both state and national, legislatures, constitutional conventions, and congresses. It has been generally held that these guarantees were in the nature of a compact between the United States and the people of the new territory, and of the states formed from it, and could not be abrogated without

the consent of all parties. At all events, the Ordinance preserved freedom in the North-West. Furthermore, by the policy thus formulated, the American people, for the first time in the history of mankind, voluntarily promised to those who should form colonies in these new territories, equal rights with the inhabitants living in the older States. This promise has been rigidly adhered to, and thus the United States has grown, not by forming colonies according to the usual meaning attached to the phrase, but by absorbing into the Union states formed on the national domain. This process has disguised the fact that during the last century the United States has been the greatest and most successful colonizing power in the world.

Congress and the Army, 1778–83.

At the time of the ratification of the Articles, the complaints of the soldiers of the Revolutionary army were so loud and threatening as seriously to menace the safety of the republic. The situation of the army officers, and of the soldiers as well, was very distressing. They had abandoned their means of securing a livelihood and were serving their country for a compensation which did not cover their own personal expenses. The families of many of them were in great need. Under these circumstances, as early as 1778, large numbers of the officers of the Continental Line had either resigned their commissions or had threatened to resign. This wholesale change in the personnel of the company and regimental officers would have been disastrous. Washington interfered, and exerted himself to the utmost to secure the adoption by Congress of some scheme of half-pay for life or of pensions which might induce the officers to remain in the service. The people, as a whole, were very jealous of the army. Probably they feared it. At all events, Congress no sooner passed a vote favourable to the soldiers than public opinion compelled it to annul its vote. In the autumn of 1780, when the army seemed to be on the point of dissolution, the Continental Congress promised half-pay for life to those who

should serve until the end of the war. The first Congress of the Confederation repudiated this action upon the unworthy pretext that nine States (the number required under the Articles) had not voted for it. The officers then offered to compromise by commuting the half-pay for life to full pay for seven years. This was the condition of affairs in March, 1783, when an anonymous address was published at Newburg on the Hudson, where the army was encamped, calling a meeting to determine what measures should be taken to obtain justice. Washington, with great tact, averted the danger by calling another meeting. He there met the officers and induced them to entrust their affairs to him. Had Washington at that time spoken the word, there can be little doubt that he might have played the part of other great commanders in civil strife and made himself a king. But to a suggestion of that nature he replied in such a manner that it was never repeated. Congress was now induced to grant full pay for five years in money or in such promises to pay as other creditors of the Confederation received. Towards the end of the year the army was disbanded, Washington bidding farewell to his officers on December 14th, 1783.

The Finances of the Confederation.

This dispute as to half-pay had run to this dangerous length because Congress had neither the means to satisfy the demands of the army nor any prospect of obtaining them. In 1783, the total debt of the United States was about forty millions of dollars, including nearly five millions due to the army. The annual interest on this debt amounted to nearly two and one-half millions. Of the total of forty millions, some eight millions were owed abroad to the French government and to other foreign governments and individuals. The interest on this portion of the debt was met by the proceeds of new loans contracted in Europe. The interest on the domestic debt, as that owed to Americans was called, was not paid at all. Between 1782

and 1786, Congress made requisitions upon the States to the amount of six millions. Of this, only one million had been paid up to the end of 1786. At no time in the life of the Confederation was Congress able to pay the running expenses of the government. This was the defect in the Articles of Confederation which has attracted most attention. An attempt was made to remedy it before the Articles came into operation. At that time (1781) it was proposed to give Congress the right to levy duties on imports to the extent of five per cent. *ad valorem*. But this very moderate proposal fell through owing to the obstinacy of Rhode Island and the fickleness of Virginia. At another time (1783) the suggestion was made that Congress should be given power to levy certain duties, partly specific and partly *ad valorem*, to be collected by officials appointed by the States, but responsible to Congress. To this proposition the people also turned a deaf ear. The attention of the country had been called, however, to the fact that there was a national debt and that there was no national income.

A government so weak at home was neither feared nor respected abroad. Great Britain, for example, immediately enforced against the people of the United States all the restrictions of the pre-revolutionary commercial system. The United States was helpless. The central government had the power to conclude treaties, but it had no power to regulate commerce. There were no restrictions on trade which its agents could offer to abandon as the price of reciprocity; and the Congress could not, as foreign nations well knew, impose any such restrictions. Congress, therefore, was unable to conclude a commercial treaty with England. Nor had it the means to compel obedience to treaties already in existence.

Foreign Affairs.

Congress made the recommendation as to the Loyalists in accordance with the Treaty of 1783. Instead of complying

with it, the States seemed to vie with one another in imposing new hardships on Loyalists remaining in or returning to the United States. This was impolitic and unjust, but it was not an infraction of the treaty. The clause providing that no obstacles should be placed in the way of the collection of debts contracted before the war was broken again and again, and the central government, having no coercive power, could not enforce the supremacy of the treaty over State laws. On the other hand, the British government infringed the treaty in two important respects. First, the posts in the north-west were not surrendered to the United States but were retained together with the profitable fur trade which had grown up about them; and secondly, compensation for slaves taken away at the time of the evacuation of New York and Charleston was refused. Relations with Great Britain were in this unsatisfactory state when the government was organized under the Constitution. Against Spain also there was considerable complaint. That power refused to recognize the 31st parallel of latitude as the southern boundary of the United States, and maintained that Florida, which had been ceded back to her by Great Britain at the close of the war (1783), extended as far north as the Yazoo River (32° 30′ N.L.) as that was the northern boundary of West Florida during the later years of the English domination. Nor would Spain recognize the right of the people of the new nation to the free navigation of the Mississippi. Spain held both sides of the river, not only at its mouth, but for more than two hundred miles inland. This was a serious matter for the United States, as the inhabitants of the new settlements in Tennessee and Kentucky, west of the Alleghanies, reached tide-water most conveniently by the Mississippi route. They threatened to join Spain or Great Britain unless the United States could protect them in the enjoyment of their rights in the navigation of the Mississippi. At the time, this danger

Disputes with Great Britain and Spain.

seemed real and great; but it is not unlikely that it was unduly exaggerated.

In 1784, the imports into the United States amounted in round numbers to three million seven hundred thousand pounds sterling. The exports during the same year were estimated by the same authority at seven hundred and fifty thousand pounds sterling. The balance of three million pounds was paid by the exportation of specie. The country was soon drained of gold and silver and a cry arose throughout the land for inconvertible paper money. In spite of the terrible disasters which paper money had wrought within recent years all the States, with the exception of New Hampshire, Massachusetts and Virginia, issued inconvertible paper money. The most extraordinary fruits of this vicious policy were seen in Rhode Island. In that little State, there was a sharp line of demarcation between the "town and country," or better, perhaps, between those engaged in agricultural and those occupied in mercantile pursuits. The farmers were in the majority. They secured the passage of a law entitling an owner of land to receive paper money from the State in exchange for a mortgage on his land equal to double the amount of the paper money received. The merchants refused to take the money from the first holder and it depreciated in a few months to one-sixth of its nominal value. Several expedients were then resorted to to secure its circulation. One act obliged all persons to accept this currency under penalty of disfranchisement, and a fine of one hundred pounds in case of refusal—the case to be tried without a jury, by judges annually appointed by the legislature. The merchants closed their doors rather than do business on these terms; and, to starve them into obedience, the farmers withheld the produce of their farms. In the case of Trevett against Weeden, one of the most famous in the history of the country, the question was brought before the courts, when the judges, to their honour be it said,

Financial heresies, 1784–87.

declared the law to be unconstitutional, and therefore null and void. Then it was proposed to oblige every one to take an oath to support the act or to lose all civil and political rights. But this was farther than the people of Rhode Island were willing to go, and the plan was abandoned. The tendency of paper money to depreciate could not fail to attract attention even at that time, and the signers of at least one petition proposed that the rate of depreciation should be regulated in advance by law.

The only thing which in any wise justified this desire for paper currency was the state of the coinage—if it may be dignified by that name. All sorts of coins were in use, "joes," fips, moidores, English and French guineas, bits, picayunes, and especially, Spanish milled dollars, whose nominal value was about four shillings. These coins were for the most part old and light in weight. Perhaps the best evidence of the debased condition of the coinage is to be found in the fact that the government officials felt obliged to clip the good coins received from France, before paying them out to the soldiers and other creditors. Congress had power to coin money under the Articles of Confederation, but it had no funds with which to buy bullion or to erect and operate a mint. It could, however, obtain reports from its administrative officers and committees of its own body. After several schemes had been brought to its notice, Jefferson, as chairman of a committee to whom a plan propounded by Gouverneur Morris had been referred, made an elaborate report upon which the existing monetary system of the United States is founded. Jefferson proposed that a dollar of the value of the Spanish milled dollar should be the unit of value, and that the decimal system should be used in its division—each dollar containing one hundred cents. Morris had proposed a much more minute subdivision, and the large value of the cent was the weak point

State of the Coinage.

in Jefferson's scheme. This report was made in 1786. Nothing was done in the matter at the time, but the later coinage was based on the recommendations of this committee. It may be mentioned, as showing the conservatism of the American people, that the price of goods is still estimated in some of the older towns at so many shillings and pence.

The Critical Period.

The real cause of the downfall of the Confederation and the establishment of "a more perfect union" was not, however, any of the inconveniences above noted. It is rather to be found in the conviction which gained ground rapidly in 1786—87 that the several states could not long continue on the existing basis without civil war. This conviction was forced on the people by a commercial war already in progress between several members of the Confederation, and also by a determination to resist the payment of debts, by force if necessary, which was shown by the people of some sections of the country. As each State managed its own commercial relations, it was natural that in a period of great distress the people of each State should try to protect their own interests, even at the expense of other members of the Confederation. Two examples will best illustrate this point. To protect the vegetable growers of New York from the competition of the market-gardeners of New Jersey, the New York legislature passed an act levying duties on all vegetables brought into the state, and obliging New Jersey vessels to enter and clear as vessels from London and other foreign ports were obliged to do. New Jersey, in retaliation, levied a tax of three hundred and sixty pounds *per annum* on a lighthouse which New York had erected at Sandy Hook, which was within the limits of New Jersey. Another instance of the same inter-state rivalry was to be seen in the relations of Massachusetts and Connecticut. To protect her shipping and manufacturing interests Massachusetts passed a severe navigation act designed to keep English goods and traders out of that State. Connecticut thereupon

repealed every trade law on her statute book, thereby inviting foreign trade to her harbours and, owing to the facilities of overland smuggling, completely frustrated the policy of Massachusetts.

Shays' Rebellion, 1786–7.

The other cause, which forced on the conviction above-mentioned, was the determined opposition to the payment of debts which now manifested itself in the Carolinas and in Massachusetts. The latter state was for the moment at the mercy of the worst elements of her population. It is a curious fact that all the small rebellions in the history of the United States have been the work of the tillers of the soil and not of the rabble of the towns. This may be accounted for by the fact that the authorities of the towns, being better provided with facilities for quelling disturbances, can crush an insurrection before it passes the mob stage. At any rate, the rebellion at this time (1786–7) was the work of the inhabitants of the thinly settled western portion of Massachusetts. Led by Daniel Shays, these men prevented the holding of the courts at Worcester. Had it not been for the prompt vigour displayed by Governor Bowdoin and General Lincoln, the movement might have assumed formidable proportions. As it was, the intrinsic importance of Shays' Rebellion was entirely overshadowed by the tremendous effect it produced on the public mind. It brought the nation to its senses, and made the formation of a strong government possible. The chain of events, which led to the holding of the Federal Convention, well illustrates, however, upon what extraneous circumstances the fate of nations sometimes depends.

The Alexandria and Annapolis Conventions, 1785–6.

The southern boundary of Maryland, according to the charter of 1632, was the southern bank of the Potomac River, from its mouth to its source. That frontier was chosen probably with a view to securing important advantages to Maryland,

whose grantee had great influence at the court of the first Charles. It may also have been supposed that disputes about the navigation of the river would be less likely to arise if the control of the navigation of the Potomac was in the hands of one colony. As the event showed, the arrangement offered unusual advantages to the illicit trader. This gave rise to incessant disputes and aroused great irritation among the people of Virginia who were much more interested in the navigation of the river than were the Marylanders, as the commerce of Maryland was mainly carried on through Baltimore. In 1785, through the efforts of Madison and Jefferson, commissioners from the two States met at Alexandria in Virginia to frame, if possible, regulations for the use of the river. They soon adjourned to Mount Vernon, Washington's mansion near Alexandria. Their discussions inevitably extended to the desirability of similar navigation laws and customs duties for all the states bordering on Chesapeake Bay. They therefore submitted a supplementary report suggesting the appointment of a joint commission every second year to consider and report on these and kindred topics. Washington's part in this proposal is not known; but he certainly approved of it. At that moment the people of the Middle States were disturbed by the commercial outlook. The Maryland Assembly adopted the plan and invited Pennsylvania and Delaware to join in appointing commissioners. In Virginia, the scheme encountered fierce opposition. Finally, however, a resolution was passed inviting all the States to send delegates to a convention to consider the trade and commerce of the United States as a whole. This convention met at Annapolis in 1786. Only five States were represented and no New England or southernmost States were among them. Instead of proceeding with the business for which the convention had been summoned, the delegates passed a resolution providing for a convention to amend the Articles of Confederation to be held at Philadelphia in the next year,

1787. To this new convention Virginia at once appointed delegates. Five other States, including Pennsylvania, also appointed their representatives before Congress could bring itself to approve the plan and to recommend the States to elect delegates. On the day that Congress passed this vote, Massachusetts joined Virginia and the other five states in appointing delegates. The other States now rapidly came into line, Rhode Island alone refusing to be represented in the convention.

The Federal Convention, 1787.

The Federal Convention met at Philadelphia, May 25th, 1787, and held daily sessions, with brief adjournments to facilitate the work of committees, until September 17th. Its sessions were secret, and it was not until its final adjournment that the people knew anything about the proposed change of government. For many years the perplexities which surrounded its deliberations were little understood. Indeed, it was not until 1840, when Madison's notes of the debates were published, that historical students could trace the various steps which resulted in the formation of the most successful written Constitution[1] the world has yet seen.

The Framers of the Constitution and their work.

Few deliberative bodies have contained so many men of experience and knowledge. Among its members were Washington and Franklin. From Virginia besides Washington there also came James Madison and George Mason. One misses the deft hand of Thomas Jefferson, who at the time was American Minister at Paris. Nor was John Adams, Massachusetts' constitutional lawyer, present, as he was Minister at London. But Massachusetts sent a delegation of able and experienced men, Gerry, King, Strong and Gorham, who, acting under the stimulus of Shays' Rebellion, advocated the formation of a strong centralized government. Among the Pennsylvania

[1] See Appendix III.

members were James Wilson and Robert Morris. Of the younger men should be mentioned Alexander Hamilton and Gouverneur Morris:—to the latter's skill in phraseology the Constitution owes much of its success. The secret discussions were straightforward, earnest, and patriotic. The reader of Madison's *Debates* is impressed by the absence of *à priori* reasoning. Most of the arguments were drawn from experience; and the Constitution, instead of having been "struck off at a given time from the brain and purpose of man," as Mr Gladstone once said, was evolved from the experience of the English race in the two worlds. The framers of the Constitution were content to lay down general rules confiding large discretion to the three branches of the new government. They recognized that they were legislating for generations to come; and that the Constitution should be elastic and susceptible of many different interpretations or it would be constantly changed to suit the varying needs of succeeding generations. They tried, on the one hand, to make revolution unnecessary by providing for the amendment of the Constitution. On the other hand, the cumbersome machinery for securing amendments made amendments barely possible. Over seventeen hundred amendments to the Constitution have been proposed in an official manner. Of these fifteen have been adopted. The first ten of them, forming a Bill of Rights, were declared in force December 15th, 1791. The Eleventh Amendment (1798) limited the power of the Supreme Court. The Twelfth Amendment (1804) provided a new method for the election of the President and Vice-President. The other three amendments (1865–1870) were the outcome of the Civil War and made such changes as were necessary to make the Constitution the organic law of a non-slaveholding country. The fact that from 1804 to 1865—a period of sixty years—there was no amendment made to the instrument shows at once its great stability and at the same time its elasticity.

Both of these qualities are due to the institution known as the Supreme Court more largely than to anything else, except the natural conservatism of the American people.

The Supreme Court.

The colonists were not familiar with unrestricted legislatures like the British Parliament: laws passed by any colonial assembly might be annulled by the Privy Council. Nor were they acquainted with unlimited and irresponsible executive power: every colonial governor was restricted in the exercise of his authority by his commission and instructions and by colonial acts. It was therefore natural for the constitution makers, when they came to provide for the executive and legislative branches of a consolidated government, to provide also a tribunal or tribunals which could review the acts of the other two branches of the government. The Supreme Court consists of judges appointed by the President, by and with the advice and consent of the Senate—this being the usual manner of appointment to all the higher administrative offices. But at the moment of appointment, the comparison between the judges and the other officials ceases. The Judges of the Supreme Court hold their office during good behaviour and receive salaries "which shall not be diminished during their continuance in office." These conditions apply to other judges of the United States Courts as well. But the Supreme Court Judges have a further protection in the fact that the Supreme Court exists by express grant contained in the Constitution. All other United States Courts and Judges exist by virtue of Acts of Congress which may be repealed; and Circuit Court Judges have been "legislated out of office" in this manner. The Supreme Court Judges can be ousted from office only by impeachment, requiring the consent of a majority of the House of Representatives, and of two-thirds of the Senate. The Judges of the Supreme Court of the United States enjoy, therefore, a more secure position than any other man or body of men in the

United States. The jurisdiction of the Court is confined to cases "arising under this Constitution." It has no initiative; nor is it consulted before the passage of a law or the performance of an administrative act. Furthermore, it has no common-law criminal jurisdiction, but is limited to the subjects mentioned in the Constitution. The Court has always regarded the Constitution as a fundamental law and has interpreted it as such. The first question to be decided in most cases, therefore, is whether the Act of Congress or of a State Legislature, under which a case has arisen, is constitutional or unconstitutional. If the Court decides that the law is unconstitutional and therefore of no force, that is an end of the matter. The attentive student of the history of the United States will become conscious, as he proceeds in his study, that the Supreme Court from time to time has changed its mind. Of course this change must be very gradual, as in the ordinary course of human life the majority of the court would change very slowly. The number of the judges is not mentioned in the Constitution. The Court, therefore, might be "swamped" by the appointment of more judges, provided the legislative and executive branches were convinced of the expediency of the measure. But so much veneration and respect has gathered about the Supreme Court that such a proceeding would be regarded as little short of revolution. In other respects, also, governmental ideas change or may change very slowly.

Stability of the Government.

This is due mainly to the varying terms of office of the President, of the Senators, and of the Members of the House of Representatives. The Representatives are elected every alternate year and serve for two years. The President is elected for four years. The Senators are elected by the State legislatures for the still longer term of six years. Moreover one-third of the Senate is renewed each second year. Thus it often happens that the President and one house of Congress will belong to one party,

while the other house will be in the hands of the opposition. It has frequently happened that the President has belonged to one party and the majority in both houses of Congress to the other. Up to the present time it may be said that these things have all acted to increase the stability of the government and to prevent inconsiderate legislation. For it is evident that the Senate stands between any sudden desire for legislation of a particular kind and the fulfilment of the desire. If, however, the people continue to desire certain measures passed, the Senate in time will surely come to the same way of thinking.

Strength of the new Government.

The government established under this Constitution proved to be unusually strong from the very beginning. Many things tended to produce this strength. Among the rest, the wide scope of the grant of power to the national legislature. The best way to understand this grant of power is to turn to the Constitution, Article I, Section 8. The first clause of that section reads as follows: "Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defence and general welfare of the United States." Passing over the remainder of the section one comes to the last clause which authorizes Congress "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof." It must be plain, no matter what construction the Supreme Court placed on the words, that laws "necessary and proper" to provide for the levying of "taxes,...to provide for the general welfare" cover an enormous field. The Supreme Court, moreover, has interpreted the phrase "necessary and proper" in a very broad manner, and thus Congress has exercised most important functions, many of which may never have occurred to the members of the Federal Convention.

The United States Government is often spoken of as if the executive, legislative, and judiciary were distinct branches. As a matter of fact this is not true of the first two of the three branches. The President is the chief executive officer of the nation. But he also enjoys great legislative power, as by his veto he can compel a reconsideration of any act of Congress; but an act which commands a two-thirds majority at this second consideration becomes law without the President's consent. Furthermore, the President shares a considerable portion of his executive powers with the Senate. Thus no treaty can be ratified without the consent of two-thirds of the Senators present, at the time the vote is taken. The consent of the Senate is also necessary to all appointments to the higher offices.

Division of powers.

The President in other respects possesses ample powers. He acts on his own responsibility. He may consult the heads of departments, but need not follow their advice. At his inauguration he takes an oath prescribed in the Constitution "to preserve, protect, and defend the Constitution of the United States." The President is the "Commander-in-Chief of the army and navy of the United States, and of the militia of the several States, when called into the actual service of the United States." He must take care that the laws be "faithfully executed" and he has power to grant pardons for "offences against the United States, except in cases of impeachment." In time of war, especially of civil war, the powers exercised by the President as Commander-in-Chief—for the defence of the Constitution—may be those of a dictator. For instance, it was by virtue of these "war powers" that President Lincoln freed all the slaves in the portions of the United States then in insurrection. Indeed, it is difficult to conceive of a limit to the power of a President in sudden emergencies, as when, for example, the "faithful execution"

"The President of the United States."

of the laws is interrupted by a mob. Furthermore, in the exercise of these powers, the question of the jurisdiction of the United States and of the several States does not arise. Persons obstructing the execution of the laws of the United States are amenable to the United States—be they State governors or railroad employees—and the President, for the defence of the Constitution, concerns himself with the individual and not with the State.

Federal and State jurisdiction.

An attempt was made in the Constitution, however, to separate the functions of the United States and of the several States. To this end the States were forbidden (Article I. Section 10) to have any negotiations with foreign States, coin money, make anything except gold and silver a "tender in payment of debts," pass any law "impairing the obligation of contracts," etc. Congress (Section 9) is also forbidden to perform many acts, one or two of which we shall notice hereafter.

The Compromises.

Like all great political settlements, the Constitution was largely the result of compromises. Three of these compromises are of great importance and require some detailed description. At first it was proposed that the representation in both houses of Congress should be apportioned according to wealth. This was to avoid one of the great faults of the existing system which gave to the small States, Delaware, for instance, an equal voice with the large States like Virginia or Pennsylvania. Naturally, the delegates from the small States disliked this radical departure. The matter was settled by giving each State equal representation in the Senate, and providing for an apportionment of representation in the lower house according to population. But when it came to the question of apportioning taxation, the Southern members contended that as slave labour was less productive than free labour, taxes should not be apportioned according to population, but according to some other ratio. Finally, it was

agreed to count slaves at three-fifths only of their number in the apportionment both of representation and direct taxation.

The other question also turned on slavery. The North was desirous that the new federal government should have power to regulate commerce. The South hesitated to give this power to Congress lest it should be used to prohibit the slave-trade. In the end it was arranged by giving Congress power over commerce, except that the slave-trade might not be prohibited before 1808. It remains only to note that one of the final clauses (Article VI) declares that the Constitution and the laws and treaties made in pursuance thereof "shall be the supreme law of the land." When read in connection with the preamble: "We the people of the United States...do ordain and establish this Constitution," the supremacy of the United States over the States under the Constitution is apparent.

The regulation of commerce.

The Federal Convention had been authorized by Congress to amend the Articles of Confederation. They had exceeded this commission, and the Constitution, therefore, as it came from the Convention, was scarcely more than a plan for a new government proposed by a most respectable body of private gentlemen. It derived no binding force whatever from their action. They proposed that it should be submitted to the people of the several States by the legislatures thereof, and that, when nine States should have ratified it, it should be established between them. The constitutional position of the Constitution, if one may use the phrase, was so admirably described by Mr Madison that it will be well to read his words: "The Constitution as it came from the Convention," he said in 1796, "was nothing more than the draft of a plan; nothing but a dead letter, until life and validity were breathed into it by the voice of the people speaking through the several state conventions which accepted and ratified it."

Form of ratification.

Ratification of the Constitution.

The action of the Federal Convention was no sooner known than two parties were formed, those favouring the new form of government calling themselves Federalists, their opponents being known as Anti-Federalists. This nomenclature was not always an accurate description of the contending parties. Patrick Henry, for example, opposed the adoption of the Constitution on the ground that the government to be organized under it would be a consolidated government and not a federal government at all. He was in favour of the establishment of a federal government. The issue, however, was really between the adoption of this constitution or anarchy, although to many persons at the time it seemed to be a contest between those favouring aristocracy and those favouring democracy. The Confederation could not last much longer. This being the case the people reluctantly assented to the Constitution, many of the State conventions proposing amendments. The papers teemed with articles for and against ratification. The ablest for the adoption of the plan were from the pens of Alexander Hamilton, James Madison, and John Jay. These were gathered into a more permanent form in a book entitled the *Fœderalist* which remains the best commentary on the Constitution. This is the more remarkable, as Hamilton, the principal writer of these essays, had little faith in the Constitution as it was adopted, but desired a much stronger form of government. On the other side the most instructive papers were Richard Henry Lee's *Letters of the Federalist Farmer*, and the speeches delivered by Patrick Henry in the Virginia Ratifying Convention—the latter may be found in Eliott's *Debates* or in Henry's *Life of Patrick Henry*.

The first ten Amendments.

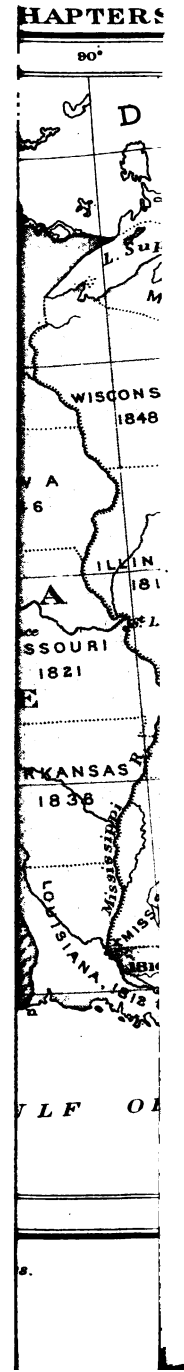
The ratification of the ninth state, New Hampshire, was made on June 21st, 1788. A few days later Virginia ratified, the messengers conveying the respective tidings passing each other on the banks of the Potomac. Preparations were immediately made for the

organization of the new government. The first ten amendments, declared in force in 1791, made good most of the defects complained of by those opposed to ratification. It will be well, therefore, briefly to notice them here. The changes are all in the nature of limitations on the power of Congress. For example, Congress is now forbidden to make laws "respecting an establishment of religion," or abridging the freedom of the press. Another clause prohibits general warrants. Other amendments secure jury trial, prohibit excessive bail and cruel or unusual punishments. The most important perhaps are the ninth and tenth amendments to the effect that the "enumeration...of certain rights shall not be construed to deny or disparage others retained by the people," and reserving to the States or to the people "powers not delegated to the United States by the Constitution nor prohibited by it to the States."

Washington and Adams.

There could be no question as to the first President, and Washington received the unanimous vote of all the electors. As to the Vice-Presidency, there was no such unanimity of opinion. John Adams of Massachusetts was the leading candidate. But he had lived long abroad and had given great offence by using the phrase "well-born" in a book written in defence of the State Constitutions. It was feared that he might have become enamoured of English institutions. The mode of election of President and Vice-President prescribed by the Constitution was found to be faulty. Electors were to be chosen in the several States who should, on a given day, vote by ballot for two persons, one of whom should not be an inhabitant of the same State as the elector. The person receiving the largest number of votes (provided it was a majority) should be President, the second on the list should be Vice-President. Hamilton, fearing lest Adams should receive more votes than Washington, intrigued with some of the electors to induce them to cast one of their

votes for some person other than Adams. Probably Hamilton had no sinister intentions in taking this action. But it came to the ears of Adams and gave him a distrust of Hamilton, which bore bitter fruit some ten years later. Notwithstanding its defects, this continued to be the method of choosing President and Vice-President until 1804 (see below, p. 157).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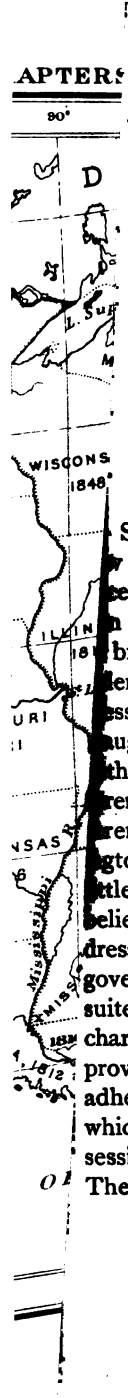

CHAPTER V.

THE NEW NATION.

SLOWLY, as befitted the successor of the Confederation, the new governmental organization came into existence—the moribund Congress of the Confederation prolonging its existence, that there might be no break in the continuity of the lives of the two federal organizations. Finally, however, the two Houses of Congress met, the electoral vote was counted, and Washington was inaugurated as the first President of the United States (April 30th, 1789). This first inauguration was a simple and impressive ceremony. English customs and traditions were the rule for ceremonial and social intercourse in those early days. Washington had been accustomed to the glitter and pomp of the little court of the Governor of Virginia; and he seems to have believed that a limited appeal to men's senses in matters of dress and ceremonial was good in itself. At all events, the new government began its career with a solemn stateliness, well suited perhaps to the grandeur of the enterprise and to the character of its first chief; but which, before many years, proved to be distasteful to many voters. As an example of this adherence to custom, may be mentioned the speeches with which the first two Presidents were accustomed to open the sessions of Congress—after the manner of opening Parliament. The custom was also followed of the two Houses presenting

Washington's first inauguration, 1789.

addresses in answer to the speech, to which the President replied in a few words of thanks. As has been the case in England, it not infrequently happened that two, perhaps even all, of these documents were the work of the same ready penman. Then, again, Washington, unlike later Presidents, refused to be shaken by the hand, but holding his right hand behind him, he bowed stiffly to those who paid their respects to him. These, and other things which savoured somewhat of royalty were unfortunate, in that they gave colour to the charge—entirely without foundation so far as Washington and Adams were concerned—of a design to introduce a monarchical form of government. Washington might well have been pardoned if his head had been turned. His birthday was celebrated as a holiday. As he travelled through the country in the recesses of Congress, he was greeted at one place as "Columbia's Saviour," and sped on his way at another with cries of "God bless your reign." Washington, in 1789, was in no sense a party man. He had been chosen to his high office by the unanimous suffrage of the whole nation. He desired to heal the wounds which the sharp contest over the ratification of the Constitution had made, and to interest the best men of all shades of opinion in the success of the new government. Franklin was now an old man. John Adams was Vice-President, John Jay became the first Chief-Justice of the United States, and James Madison at this time was most usefully employed as administration leader in the House of Representatives. The most prominent man not in political life was Thomas Jefferson, Minister to France, but now at home on a leave of absence. To him, Washington offered the foremost place in the administration, the Secretaryship of State, which Jefferson accepted.

Thomas Jefferson.

Born in 1743, Jefferson was now in the prime of life. His political theories, formed in the heat of the contest with the mother-land, were the same in 1790, 1798 and 1825 that they were in 1774 and 1776.

A sublime faith in humanity and a firm reliance on the ultimate judgment of the people made him the expounder of the principles of democracy in the crises of 1776 and 1798. The means adopted by Jefferson to secure his ends were often repellent in the extreme; but this should never blind one to the ends for which he was working. Jefferson had been in France during the recent years (1781—87) of weakness and disaster which had converted so many men, Gerry and Madison, for instance, to the cause of strong government. On the contrary, an intimate contact with the French Revolution in its earlier and better period had served to confirm him in the opinion that "government derives its just powers from the consent of the governed."

Alexander Hamilton.

Opposed to Jefferson in every way was Alexander Hamilton, once Washington's aide-de-camp and now Secretary of the Treasury and the busiest man in the administration. Hamilton was younger than Jefferson, being at this time about thirty-three years of age. He was a native of the British West Indies, and found his way to New York in search of an education. The traditions of colonial institutions, so far as they departed from English precedents, had had slight influence on him. Like Jefferson, he had made up his mind on political subjects at an early period, and the events of 1781–87 had only strengthened his *à priori* theories. While only twenty-two years of age, he had written to Robert Morris, then at the head of the financial administration, proposing to enlist the influence and interest of men of position and means in the success of the Revolution. He proposed to accomplish this by means of a loan and a national bank. This was Hamilton's position ever afterwards. The following sentences, culled from speeches he made in 1787, will further elucidate his political opinions. Among "the essential principles necessary for the support of government," he enumerated (1) "the love of power"; (2) "force, by which may be understood a coercion of laws or a coercion of arms";

(3) "influence,"—by which he did not mean corruption, but a dispensation of those regular honours and emoluments which produce an attachment to the government. Nevertheless he quoted, with apparent approval, a statement which he attributed to Mr Hume, "that all that influence on the side of the Crown, which went under the name of corruption, was an essential part of the weight which maintained the equilibrium of the [British] Constitution." To Hamilton, a government by classes was the best possible form, and the British government, as it existed in 1787 before the days of the Reform Acts, "was the best in the world; and he doubted much whether anything short of it would do in America." To him "the people," to use his own phrase, was "a great beast." In 1802, not long before his unhappy death, he wrote to Gouverneur Morris, "Every day proves to me more and more, that this American world is not meant for me." The opportunity was now given him to enlist the influence and interest of the moneyed classes in the success of the new government. As the ablest man among the advocates of a strong government, Hamilton became the leader of the Federalists, as the party favouring centralization was still called. Jefferson, in a short time, began the formation of a party devoted to the spread of democracy. He was forced to rely on the advocates of particularism and thus became the champion of the State-rights doctrine. Some writers think that even then there was nothing incompatible between nationality and democracy; but it was not until the formation of the present Republican party that the two formed the basis of a political organization.

Organization of the Government.

Even before the inauguration, Congress began the arduous task of establishing the public credit. The treasury was empty and it was important to begin the collection of taxes with the least possible delay. On April 8th, 1789, two days after the appearance of a quorum of both Houses made Congress a legal body, Madison introduced a resolve which gave rise to the first tariff debate, and

to the first enunciation by the national legislature of a protective policy. The rates provided in this first tariff act were very low. This was due partly to the inexperience of the legislators, but more especially to a feeling, bred by the history of the Confederation, that it would be impossible to collect more. Subsequent acts increased the rates to a more remunerative figure. Ill-designed as the first tariff act undoubtedly was, the intention of the framers was to establish a protective system, as may be seen from the preamble, which reads as follows: "Whereas it is necessary for ..... the encouragement and protection of manufactures." This Act and a Tonnage Act, which was passed soon after, provided for a discrimination in favour of goods imported in vessels owned and manned by citizens of the United States, and levied duties which practically excluded foreign vessels from the coasting trade. It was also proposed to discriminate between vessels flying the flag of countries having commercial treaties with the United States, and those of countries which had no such treaty relations, but this scheme was not carried out. Congress then provided the machinery for carrying on the great departments of the government, continuing in most cases the existing system, but substituting single departmental heads for the bureaus then in existence. The Federal judiciary was also organized. The Supreme Court consisted of the Chief Justice and five Associate Justices. Thirteen District Courts, each presided over by a District Judge, were established. The country was furthermore divided into three circuits, with courts to be held by a justice of the Supreme Court and the judges of the district courts within the limits of the circuit. The jurisdiction of these courts was defined and all necessary arrangements were made for the effective working of the system. Congress also determined what the salaries of the officers of the new government should be. The President's salary was fixed at twenty-five thousand dollars a year, at which sum it remained until 1873, when it

was doubled. The President, in addition, has always had a furnished house provided at the national expense, and from time to time household officers, with salaries paid out of the treasury, have been provided. The salaries of the other high officers were arranged on a very moderate basis. The Vice-President was given five thousand dollars (£1,000), the Chief-Justice four thousand, the Associate Justices and the Secretaries of State and of the Treasury thirty-five hundred each. The members of the two Houses were paid six dollars a day for each day's service, with mileage allowance to and from the seat of government. The Senators had very high ideas of the dignity of their positions, and endeavoured to secure a higher rate of pay than that given to the Representatives. The matter was compromised by a provision that after March 4th, 1791, they should receive seven dollars instead of six. But when that time came, the popular branch of Congress had acquired so much strength that the discrimination was repealed. The Senators were also anxious to provide high sounding titles for the chief officers. It was proposed, at one time, that the President should be addressed as "His Highness, the President of the United States of America, and Protector of their Liberties." Eventually, the constitutional style of "President of the United States" was adopted. The Senators, however, for a while addressed one another as "Most Honourable," but that, too, was soon dropped. Curiously enough, some State governors, lieutenant-governors, mayors of cities, and other lesser functionaries have retained the old colonial titles of "His Excellency," "His Honour" and the like.

Hamilton's financial policy.

It was during the second session of the first Congress that the elements of discord and party division began to show themselves. Hamilton presented an elaborate report on the public debt, and made certain recommendations as to the best method of funding it. It appeared from this report that the United States owed over

fifty-four million dollars. Of this, eleven millions were owed abroad, and these obligations were usually spoken of as the "foreign debt." It was agreed that this must be paid according to the terms of the original contracts. As to the "domestic debt," as that owed to citizens of the United States was called, there was much division of opinion. This debt included the original principal of over twenty million dollars and overdue interest of more than thirteen millions. Hamilton proposed to fund this portion of the debt at par in obligations of the new government. This was strongly opposed by many members of Congress. The debt had depreciated to about one-fifth of its original value, and it was argued that to pay the present holders of the debt a dollar for what had cost them twenty cents was not only an uncalled for act of generosity, but would work great injustice to many original holders of the certificates. Madison proposed an equitable but probably impracticable scheme. It was, in brief, that the present holders should receive the highest market price, and the balance, amounting to more than one half of the whole, should be paid to the original creditors. This scheme, however, would have required as much money as Hamilton's, and would not have established the public credit on such a good foundation, and the Secretary's plan was adopted.

Assumption of the State Debts.

Hamilton had further proposed that the debts incurred by the States in the prosecution of the war should be assumed and funded by the general government. This part of the plan aroused fierce opposition. It happened that there were great inequalities in the proportional amounts of the State debts. On the one hand, some States had made greater sacrifices than others; and, on the other hand, some States had enjoyed exceptional advantages in paying off their debts. These two causes combined, in many different ways, to produce the result that the Northern States had larger debts to be assumed than the Southern States. The

interests of the two sections were therefore different. The leading motives in Hamilton's mind in proposing his plan were the desirability of interesting as many persons as possible in the stability of the government, and of concentrating the sources of revenue in the hands of the central authority. But these reasons, which served to commend the measure to Hamilton, only made it more distasteful to the Southerners, who generally wished for as weak a national government as was compatible with safety. So many interests combined against the plan of assuming the State debts that it was defeated for a time.

Contest as to the national capital.

While the contest over this measure was in progress, another struggle, also arousing bitter sectional feeling, was going on. This was the determination of the permanent seat of the national government. The Constitution provided that the Federal government should have complete control over a district of not more than ten miles square, within which a national capitol and other government buildings should be built. The question as to the precise location of this little district, and of the temporary seat of government while the necessary buildings were being erected, seems now-a-days to be a matter of small moment; but at the time it aroused great interest. Congress was then sitting at New York, which was undoubtedly very inconvenient for the Southerners. They wished the permanent capital to be placed on the Potomac, and the Pennsylvanians desired that Philadelphia should be the temporary capital. Sectional pride and convenience influenced the Southern men, but the Pennsylvanians seem to have been actuated by pecuniary reasons alone. The Northerners, who cared little for this matter and a great deal about assumption, believed that the Pennsylvanians, whose votes had defeated that measure, had made a bargain of some kind with the South. They, therefore, secured the substitution of Baltimore for Philadelphia as the

temporary capital, and this measure came to a sudden stop also. At this juncture, Hamilton approached Jefferson, who had not then made up his mind as to his future course, and suggested that they should bring about a compromise. In the end, Jefferson secured the change of enough Southern votes to carry assumption, and Hamilton provided votes to carry the Potomac-Philadelphia scheme, and both plans passed into law.

The first slavery debates.

Meantime, another debate had initiated the discussion of the most burning question of all, slavery. The matter had been brought up first in Congress by a Virginia member, who proposed that Congress should exercise its constitutional right and levy a tax on all slaves imported into the country. The political leaders of Virginia at that time were in favour of the abolition of slavery, but did not know how to bring it about. The representatives from the States south of Virginia felt no scruples as to the rightfulness of slavery. On the contrary, they justified it out of the Bible. They also considered that Virginia was not altogether disinterested in making this proposal, as in all likelihood she would be called upon to produce slaves for sale in the southernmost States after the abolition of the slave-trade should have closed the existing source of supply; and this was precisely what happened. The matter was then dropped in consideration of Southern votes in favour of the protective tariff; and, as a matter of fact, no tax was ever imposed on imported slaves. The next time the subject of slavery came before Congress, it appeared in a form much more offensive to the slave-owners. In 1790 petitions were presented from the Quakers and from the Abolition Society of Pennsylvania, whose president was Benjamin Franklin. These two very respectable bodies prayed Congress to exercise whatever power the Constitution gave it "to promote mercy and justice" toward the negro. The violence of the language used by the slave-owners' representatives was extraordinary,

and was scarcely exceeded in the whole course of the slavery struggle. But the Southerners scented danger, and the debate occurred when they were already exasperated by the discussions of the assumption and national capital schemes. Ultimately, after careful consideration by a large committee, a few very mild statements were entered on the Journal of the House and the matter dropped. In some measure as an outcome of this discussion, North Carolina stipulated, in her cession of claims to western lands, that no regulations looking towards the abolition of slavery in that district should at any time be made by Congress. In 1792, Kentucky was admitted to the Union as a slave state; in this way the Ohio River, forming the boundary between that State and the Territory North-West of the River Ohio, separated the slave and free territories between the Alleghanies and the Mississippi—with the trifling exception of a small triangular district known as the "Virginia Panhandle."

The Excise, 1791.

The third session of the First Congress was held at Philadelphia (Dec. 1790—Mar. 1791). Two measures, passed at this time, aroused much opposition and brought about the permanent separation into the two great political parties which may be considered to have been in existence at the time of its final adjournment (1791). These two measures were the Act levying an excise tax and the Act incorporating the first Bank of the United States. Assumption had commended itself to Hamilton because it would necessitate the levying of an excise tax, and, in this manner, transfer a great part of the taxing power and machinery from the States to the federal government. The tax as proposed would be as inoffensive as such a tax could well be, but its enforcement would require inquisitorial methods and the net proceeds would be small in comparison with the amount laid out in salaries and other government expenses. As a matter of fact, it caused a small insurrection in Western Pennsylvania,

which cost the government more than the net proceeds of the tax for several years. It was finally voted, in spite of the protests of the legislatures of several of the Southern States. The issue here was mainly one of expediency. The questions involved in the Bank Charter were questions of interpretation of the Constitution, and went to the very bottom of the whole form of the new government.

The United States Bank.

Hamilton desired the formation of a national bank, resembling in many ways the Bank of England, which had been in successful operation for nearly a century. Such an institution would be a convenient resource for temporary loans and, through the branches which could be established in different parts of the country, would be of great assistance in collecting the taxes and in making the necessary disbursements. Furthermore, as a large proportion of the stock could be paid for in United States bonds, the market price of those bonds would probably reach par. Hamilton also thought, in all probability, that the bank would aid in the policy of attaching the moneyed interests of the country to the national government. He believed the measure to be a constitutional one because a national bank was "necessary and proper" to the successful administration of the finances of the country. Jefferson, on the other hand, protested against the whole scheme. He felt that its adoption would increase the power and prestige of the national government. He disliked it also because he thought the Constitution should be strictly construed, and that nothing should be done by the national government which was not directly authorized by that instrument, since all powers not delegated were reserved to the States or to the people. Thus the question of a strict or a liberal construction of the Constitution arose. Jefferson and Randolph of Virginia, the Attorney-General, took one side, Hamilton and Knox, Secretary of War, the other. Washington, after some hesitation, signed the bill, and some twenty-five years

later James Madison approved a similar bill incorporating the second United States Bank. Two parties, however, had been formed in the cabinet. From that time on, Jefferson and Hamilton, to use the former's words, were "pitted against each other every day in the cabinet, like two fighting cocks." How far this lack of harmony in the cabinet was known to the people at the moment cannot be ascertained. It soon became evident enough that Jefferson was out of his place in a cabinet of which Hamilton was the most trusted member.

Jefferson as a party leader.

Alarmed and disgusted at the manner in which the Federalists were setting at naught what he regarded as the expressed will of the people, Jefferson began to organize the various sections of the opposition into a party. His career shows him to have possessed many diverse qualities. He was a philosopher, and sometimes a visionary. He was also a politician and a political inventor of the most practical kind. Working in the dark, his hand was felt rather than seen. His lieutenants and agents bore the brunt of the contest, the chief, like a great commander, remaining in the rear—though not always out of the reach of a chance shot. He believed, or, at all events, he convinced others, that Hamilton and the Federalists were aiming at the establishment of a monarchy. He thought that Hamilton possessed at his beck and call "a corrupt squadron" in Congress, and that corruption had been used in many ways to secure the ends of the "monarchists." It happened, however, that Jefferson's first blow fell not on Hamilton, whom he feared and disliked, but on John Adams, whom he liked and did not fear, regarding him, on the contrary, as one of the most honest and disinterested men alive. The Vice-President had lately published a book entitled *Discourses on Davila*,—"a dull heavy work" as he himself afterwards called it. Jefferson, in forwarding to a printer for re-publication a copy of Paine's *Rights of Man*, stated, by way of saying something pleasant, that he was glad to find that

something would be printed "against the political heresies which have recently sprung up among us." This letter was printed by the publisher apparently without Jefferson's consent. The phrase "political heresies" did much to destroy Adams's popularity, but after a short time the matter was settled as between Adams and Jefferson. The dissension in the cabinet now became very bitter, but Hamilton and Jefferson were not yet prepared for a trial of strength before the people. They implored Washington to be a candidate for re-election and he was unanimously chosen President for the second time, and John Adams was again elected Vice-President.

The Neutrality Proclamation, 1794.

On February 1st, 1793, the French Republic declared war against Great Britain, and began a conflict which produced momentous consequences to the United States as well as to the nations of Europe. In America the tendencies of the time were distinctly in the direction of democracy. The success of the new government seemed to justify those who had upheld extreme democratic doctrines. A large portion of the American people, knowing scarcely anything of the circumstances of the French Revolution, saw only a people striving to escape from the monarchical yoke as they themselves had done in the recent war, and they desired to give what aid they safely could to further this good work. Jefferson, the Secretary of State, was an ardent admirer of the French nation. He had left Paris in the early days of the Revolution. Overlooking or not comprehending the faults of the French, he remembered only their virtues, and sympathised with them. With Hamilton the case was entirely different. He had no sympathy at all for France, and he disliked democracy. The United States government was in a very difficult position. The Treaty of Alliance of 1778 might under some circumstances have given rise to much embarrassment. As it was, however, the indiscretions of Citizen Genet, the new Minister of the French Republic to the United States, strengthened the hands

of those who advocated a policy of strict neutrality. Landing at Charleston, Genet at once began the fitting out of privateers, and seemed disposed to use the soil of the United States as if it were French territory. Jefferson advised him to be moderate in his actions; but Genet not only broke promises which he had made to the Secretary of State, but he defied the government. Washington, after mature deliberation, decided to regard the treaty of 1778 as not binding in this case. He, therefore, issued (1794) a proclamation enjoining the strictest neutrality as between the belligerents. This proclamation is also noteworthy as containing the first enunciation of what was afterwards known as the "Monroe doctrine," separating the affairs of the New World from those of Europe. Genet then appealed to the people against Washington. To such an issue there could be only one answer, and, at the request of the government, Genet was recalled. The passions aroused by this affair had scarcely begun to subside when they were excited again by the question of the ratification of a treaty with Great Britain which had been negotiated by Chief-Justice John Jay.

Jay's Treaty, 1794.

The Treaty of 1783 had been faithfully observed neither by Great Britain nor by the United States. There seems to be little use at the present time in trying to apportion the blame. The matter had reached in 1793 the dangerous *tu quoque* stage in which it seemed as if war could not be long postponed. The Federal government was now able to compel obedience to its treaty obligations through the Federal courts; and this being the case, Washington sought to avoid war by sending John Jay to England. Jay negotiated a treaty whose sole claim to recognition is the fact that it deferred war between the two countries for nearly two decades. The treaty was regarded by a very large portion of the American people as most objectionable; and it was thought by many that Jay had acted in the interest of a party devoted to England. There may have been a slight basis for this

opinion. Undoubtedly the mercantile classes in the North and East were much more friendly to England than were the people of the South. The Federalist party was controlled by the Northern mercantile class. In that sense, therefore, it was a British party. Of Jay's personal honesty there cannot be an atom of doubt. His refusal to lend himself to one of Hamilton's disreputable schemes at a later day shows him to have been thoroughly conscientious and incorruptible. Washington, in conformity with the advice of two-thirds of the Senate, ratified the treaty, with the exception of the most offensive clause. But the matter did not end there. An appropriation of money was required to carry the treaty into effect, and the opposition, or Republican Party, as Jefferson called it, was in control in the House of Representatives. The constitutional position of the Lower House, which alone can originate money bills, complicated the main issue. After a brilliant debate, the House yielded to the outside clamour in the commercial centres of the North, and voted the appropriation by the small majority of forty-eight to forty-one. Jay's treaty, besides postponing the second war with Great Britain for many years, also did much to bring about the downfall of the Federalists. The immediate result was a very great diminution in Washington's popularity especially in his own state, Virginia.

John Adams elected President, 1796.

It was at this time (1794–96) that Washington was reproached in language which scarcely ever has been exceeded. As he himself said, he was spoken of "in such exaggerated and indecent terms as could scarcely be applied to a Nero, to a notorious defaulter, or even to a common pickpocket." He was now very sensitive to praise or to blame, and perhaps this storm of opprobrium may have had something to do with his determination to retire. Jefferson ultimately seems to have used his influence to stop the torrent of abuse, which he easily accomplished as he controlled the Republican press; and the re-

mainder of Washington's term of office was passed without a contest of any kind. The choice of a new candidate for the Federalists seemed to be a difficult matter. Hamilton was the real leader of the party. But he was unpopular and was suffering from a confession of immoral conduct which had been forced from him to clear himself from a charge of official corruption. Jay would have been Hamilton's choice, but the great unpopularity which had gathered round Jay's treaty made his candidature impossible. Under these circumstances, John Adams was almost the only possible Federalist candidate for the Presidency. Instead of accepting him in good faith, Hamilton tried to contrive some scheme by which Pinckney, the Federalist candidate for second place, might be brought in first. Adams was popular with the rank and file of the Federalist party, and some of the Federalist electors, therefore, threw away their second votes, thereby ensuring the defeat of Pinckney. The Republicans showed a most unexpected strength. Adams was elected President by only three electoral votes over Jefferson who thus became Vice-President.

Washington's Farewell Address.

In announcing his determination not to be again a candidate for office, Washington issued a Farewell Address which had been long in preparation. Madison had had a share in it at the beginning, but more recently Hamilton had been Washington's principal adviser. The document was in every respect a masterly production, and formed a fitting close to Washington's official career. He advised his countrymen to foster the government recently established, and to preserve the public credit. With regard to the outside world, he wished his fellow-citizens first of all to be Americans, and to act with honesty toward all foreign countries, forming no alliances and keeping aloof from all disputes in which European countries, by their situation, were necessarily involved.

John Adams began his presidential career (1797–1801) by retaining in office his predecessor's chief advisers. Jefferson and Hamilton had long since resigned, and the heads of departments were men of fair abilities only, who might easily have been replaced. This was a grave error as they looked to Hamilton and not to Adams as the leader of the Federalist party. Adams was thus compelled in 1798 to take most important action without consulting his official advisers. This he had a perfect right to do, as the Constitution makes the President personally responsible for his acts; but it precipitated a crisis fatal to his party.

John Adams's Administration.

The main interest of Adams's administration turns on the relations with France, which was now under the domination of the Directory. At the moment of Adams's accession, there was a complete cessation of diplomatic relations between the two countries. This was due to the shock which the negotiation of Jay's treaty had given to French susceptibilities. Monroe of Virginia, a man of the Jeffersonian school, was then American Minister at Paris. Instead of trying to reconcile the French government to Jay's treaty, he increased the irritation which was felt in France by his petulant and undignified conduct, and returned to the United States in disgrace. Another American envoy had been sent away from Paris and the French Minister in the United States had been recalled. Adams determined to renew friendly relations with a power whose armies, led by Napoleon, were at the moment in the midst of a most brilliant campaign in Italy. To produce a great effect he appointed three commissioners, Pinckney, John Marshall, and Elbridge Gerry—the last a Massachusetts Republican. On their arrival at Paris, a most extraordinary endeavour to extort money from them was made. Talleyrand seems to have been at the bottom of this discreditable business, but in the published dispatches the letters X, Y,

Relations with France, 1794-99.

and Z were used to denote the instruments of the intrigue and it is hence known as the "X Y Z Affair." The American Commissioners resisted in a most dignified way, and the outspoken reply of Pinckney to one of the French agents: "Millions for defence; not one cent for tribute" became a rallying cry for the Federalists. The Republicans saw with dismay the ground cut from beneath their feet by the action of their French friends. Had the Federalists been united and well led, they might have grasped the great opportunity presented by this crisis to win the good will and support of their countrymen. As it was, Washington used his influence to place Hamilton in a position of practical superiority in military matters as regarded Adams. Such a position was untenable, as the President under the Constitution was the head of the army. To free himself from this thraldom Adams seized the first opportunity to make peace with France and to rid himself of Hamilton and Hamilton's creatures.

Preparations for war.

The measures adopted by Congress, practically at the dictation of the Federalists, were admirable so far as the defence of the country was concerned. A new army organization was set on foot with Washington in nominal command, but with Hamilton the real commander, at least until the campaign should actually begin. The navy, which already had been begun during some recent disputes with Algiers, was now organized, and rendered good service—one of the frigates, the *Constellation*, capturing the French frigate *l'Insurgente*.

The Alien and Sedition Acts.

The Federalists committed a fatal blunder, however, in the passage of the Alien and Sedition Acts. These laws seem to have been modelled on similar laws enacted by the British Parliament at about the same time. The Alien Acts authorized the President, at his discretion, to cause aliens to be removed from the country; or to permit them to reside at certain places specified by him,

on their giving bonds for good behaviour. The Sedition Act provided severe penalties for those who should resist the lawful acts of the federal officials, and for all who might be concerned in any publication bringing or tending to bring the United States government or any of its officers into disrepute. At nearly the same time, the period of residence required for naturalization was lengthened from five to fourteen years. Led by Albert Gallatin, a recent immigrant from Switzerland, the Republicans in Congress strenuously opposed these acts. But they were overborne, and the laws were passed. Defeated in Congress, the Republicans then had recourse to expedients familiar enough in pre-revolutionary days. The legislatures of Kentucky and Virginia passed Resolutions (1798–99) which were transmitted to the legislatures of the other States for their action thereon. The Kentucky Resolutions were introduced into the legislature of that State by Mr Breckenridge. The real author, however, was Jefferson, and it is he who must be held responsible for the constitutional theories propounded in these resolutions. These theories were briefly (1) that the Constitution was a compact between the States; (2) that the co-States were the judges of the validity of federal laws; and (3) not the federal government which was their agent. In the original draft, as written by Jefferson, the reasoning was carried to its logical conclusion, namely, that the States might "nullify" those acts of the Federal Congress which were outside the strict limits of the powers delegated to that body. This dogma of nullification was too bold for the Kentucky legislators in 1798; but in the resolutions passed the next year it was set forth at length. The Virginia Resolutions were drafted by Madison, who was now firmly attached to the Republican Party. They were much milder in tone, as befitted the work of the more cautious Madison. Nothing came of either of these attempts to secure concerted action on the part of the States against the Federal government.

Hamilton's Advice.

A letter which Hamilton wrote to Mr Dayton, Speaker of the House of Representatives, contains the extreme Federalist view, and may be regarded in some measure as an answer to the Kentucky and Virginia Resolutions. In this letter, Hamilton advocated the cutting up of the States into small divisions for the purposes of increasing the number and power of the Federal courts. He also thought that an amendment to the Constitution was desirable, authorizing Congress at its discretion to divide the larger States into two or more states. He advised the retention of the army on its present war footing, even if peace should be made with France. At this moment Adams, without any consultation with the members of his cabinet or with the party leaders, reopened negotiations with France, and thus put an abrupt ending to the dreams of Hamilton and his friends.

Negotiation with France renewed.

It appears that the publication of the X Y Z correspondence caused great excitement among the governing circles in France. Talleyrand saw that he had gone too far and tried to draw back. An intimation was conveyed to Vans Murray, the American Minister at the Hague, that if the United States would send an envoy to Paris, he would be well received. Adams grasped at the chance offered him to bring peace to his country. He nominated Vans Murray as Minister to France. But the party leaders in the Senate, amazed and furious at this sudden change of front, seemed determined to reject the nomination. The President then substituted a commission, consisting of Ellsworth, Jay's successor as Chief Justice, Patrick Henry, and Vans Murray, and these nominations were confirmed. Patrick Henry, now old and infirm, declined to go, and Davie, of North Carolina, another southern Federalist, was appointed in his stead. Adams also seized the first opportunity to remove his most treacherous advisers, substituting John Marshall, of Virginia, for Timothy Pickering as Secretary of State.

The Commissioners were well treated in France. Napoleon was now First Consul. He appointed a commission, presided over by Joseph Bonaparte, to negotiate with them, but he refused to pay for American property seized by the French government or by its agents during the recent troubles or to consent to the formal abandonment of the Treaty of Alliance of 1778. These subjects were to be reserved for future negotiations. The United States Senate refused to ratify the clause embodying this arrangement. In other respects the treaty was satisfactory to both parties, and it was ultimately agreed that the United States should give up its contention as to the payment of claims, and the French government consented to regard the Treaty of 1778 as no longer binding. Thus by the act of the Federalist Senate, the United States became liable to its own citizens for French spoliations committed before 1800. It is only within the last few years, when legal proof has become almost impossible, that the American government has consented to pay these "French spoliation claims."

Treaty with France, 1800.

In 1800, for the first time, a presidential election was contested with great vigour and acrimony. The Federalist party laboured under many serious disadvantages. Adams's administration had been most fortunate for the country, and time has vindicated the purity of his motives and the wisdom of his actions. He was still popular with the mass of the party and he became the Federalist candidate. There was no one else to be nominated with any prospect of success. Hamilton would have been an impossible candidate; Jay refused to enter national politics again; and Washington and Henry were both dead. Accepting Adams as the inevitable leader, Hamilton embarked on a course of petty intrigue similar to those intrigues of 1788 and 1796 already described. The candidate for Vice-President was Charles C. Pinckney of South Carolina. It was now proposed

The Election of 1800.

that the South Carolina electors should vote for Jefferson and Pinckney, in the expectation that the additional votes thus given to Pinckney would elect him President, and return Adams to the Vice-Presidency. Pinckney honourably declined to be a party to the transaction. To discredit Adams with his own party, Hamilton wrote a long dissertation to prove Adams's unfitness for the highest office. It was intended that this document should be passed from hand to hand among the leaders of the party. But the Republicans secured a copy and published it far and wide. The Federalists would probably have been defeated in any event, as the Alien and Sedition Laws had aroused so much opposition that they dreaded to have their own instrument put into force. Every prosecution under these laws converted thousands of voters to the Republican Party. Jefferson had now perfected the organization of that party, and while the Federalists were quarrelling among themselves, the Republicans were united and able to take advantage of every opportunity that presented itself. The Republican candidate for Vice-President was Aaron Burr, a disreputable New York politician—one of the first and ablest of his kind. He had formed the New York Republicans into a compact well-drilled political organization, and had thus won his nomination. When the electoral votes were counted it was found that Jefferson and Burr had each received seventy-three votes, while Adams had sixty-five and Pinckney sixty-four votes. It was clear that Adams and Pinckney were defeated. But who was chosen President, Jefferson or Burr?

The Twelfth Amendment, 1804.

The Constitution provided that in case of a tie of this description the House of Representatives, voting by States, should elect as President one of the two having the highest number. The Federalists were in a majority in the House both as ordinarily constituted and also when organized on the basis of each State having one vote. There was not the slightest doubt in anyone's mind as

to which candidate the people had intended to elect President. Jefferson was the foremost man in the country, the creator of the Republican party, and loved and respected by nine-tenths of the voters of that party. Burr, on the other hand, was a mere politician who had been placed on the ticket to secure the vote of New York. The Federalists, blinded by their hatred of Jefferson, determined to elect Burr President. This was against Hamilton's wish, who disliked Burr on his own account. Thirty-five ballots were cast before the Federalists could bring themselves to carry out the clearly-expressed will of the people. Ultimately Jefferson was declared elected President and Burr Vice-President. To avoid the many inconveniences which were inseparable from the existing mode of electing President and Vice-President, an amendment to the Constitution (the Twelfth Amendment) was adopted in 1804. The old machinery of electors was preserved, but each elector in the future was to vote for President and for Vice-President on separate and distinct ballots. In case no candidate for President should receive a majority of all the votes cast, it was provided that the House of Representatives, voting by States, should elect one of the three having the highest number of votes President. In a similar case as to the Vice-President the Senate should elect one of the two having the highest number Vice-President. The only valuable feature of the old system was that able men were nominated for both offices, as it was very uncertain how any election would turn out. Since 1804, however, second-rate and even third-rate men have been chosen to the second place.

Defeated at the polls, the Federalists retreated "into the Judiciary as a stronghold." After the results of the elections were known they passed a law largely increasing the national judicial establishment, although the existing organization was more than sufficient to transact all the judicial business of the country.

The Judiciary Act, 1801.

In this way many new offices were created and more than twenty-three new appointments—presumably for life—placed in Adams's hands. He promoted many of the district judges to these new places, and was thereby enabled to appoint to the old places thus vacated many Federalist members of Congress who were constitutionally ineligible to the new offices—as a member of Congress cannot be appointed to any office created by an Act passed while he is in Congress. One of the last appointments of Adams deserves to be noted. Ellsworth resigned the Chief Justiceship on account of his advanced age; and Adams nominated to the vacant post John Marshall of Virginia, at the moment acting as Secretary of State. For thirty-five years he remained at the head of the Supreme Court, imposing his ideas on the new Associate Justices, as one after another they appeared. During these years John Marshall laid down the broad construction theory of the Constitution first propounded by Hamilton. In truth, however, Jefferson once in power forgot many of his former theories, and exercised whatever authority he wished, with slight regard to the Constitution, as for instance in the case of the Louisiana Purchase.

The "Midnight appointments."

Adams's departure from political life was a most unfitting close to a great career. According to a tradition, preserved in Jefferson's family, at midnight on March 3rd, 1801, Levi Lincoln, of Massachusetts, Jefferson's proposed Attorney-General, with the new President's watch in his hand, entered the office of the Secretary of State and ordered Marshall to stop countersigning commissions. At daybreak the next morning, Adams began his last journey from the seat of government to his home at Quincy, Massachusetts, without waiting to see his successful rival inaugurated into office. Looking backward, it seems clear that Adams's failure in his party was due to the fact that he was in the wrong party. He seems to have become conscious of this

later on. During their last years Adams and Jefferson became friends once more. On July 4th, 1826, on the fiftieth anniversary of the adoption of the Declaration of Independence, these two men, the one the author, the other the defender of that great declaration, died. The last words that fell from Adams's lips were "Thomas Jefferson still lives."

CHAPTER VI.

SUPREMACY OF THE JEFFERSONIAN REPUBLICANS. 1801–1809.

American ideals, 1800.

THE first administration of Thomas Jefferson (1801–1805) marked the close of a revolution as important and as far-reaching in its consequences to the American people as the movement of 1776–83, which one ordinarily associates with the phrase "the American Revolution." A better usage would include both movements in this term. In 1776, the colonists freed themselves from the bonds which had hitherto bound together the several groups that used the English tongue. In 1800, the American people broke away from its own past and entered upon the work of the Nineteenth Century with that spirit of modern liberalism which one might well call the Nineteenth Century spirit. In this, they stood almost alone. Nowhere else were the ideas which have made this century memorable in the history of the human race so well developed and so openly recognized. It is true that the French at one time had seemed about to take the lead in the march of progress. But France was now under the rule of a military despot. In America, on the other hand, the ardour of the earlier revolution, chastened and confined within more reasonable limits, again asserted itself. The Federalist party was conservative—ultra-conservative. It clung hopelessly and despondently to the eighteenth century

ideas of law and order in society and government. It was defeated in 1800, not because it was Federalist, but because it held to the ideals of a bygone age. The American voters, strong in their faith in humanity and in human progress, would no longer consent to place the government of a free people in the hands of those who believed in government by a minority. It will be well to stop a moment and observe the condition of the American people at the beginning of the century.

Statistics of Population, 1800.

The area of the United States was then about 849,145 square miles, the same as in 1783. The total population was given in the census of 1800 at five million three hundred thousand. This may be compared with four millions in 1790 and one million six hundred thousand in 1760. The American people was still mainly engaged in agriculture. This can be easily understood from a slight analysis of the population. If we take the line of five thousand as determining whether the inhabitants of a town should be classed as a rural or urban population, we find that in 1800 there were only eleven towns containing five thousand inhabitants or over[1]. Five of these towns, Philadelphia, New York, Baltimore, Boston, and Charleston, each contained over twenty thousand inhabitants. The total urban population was

[1] The population of these eleven towns is thus recorded in the Second Census:

Philadelphia, Pa.	70,287
New York, N.Y.	60,489
Baltimore, Md.	26,614
Boston, Mass.	24,027
Charleston, S.C.	20,473
Providence, R.I.	7,614
Savannah, Ga.	7,523
Norfolk, Va.	6,926
Richmond, Va.	5,537
Albany, N.Y.	5,349
Portsmouth, N.H.	5,339

two hundred and forty thousand or about five per cent. of the whole.

Analysis of the population.

The population of the United States was distributed by sections somewhat as follows: New England contained, in round numbers, one million two hundred thousand, the Middle States one million four hundred thousand, and the Southern States two million two hundred thousand. The population of the States north of Mason and Dixon's line was nearly two million seven hundred thousand, or, excluding slaves, one hundred thousand less. Subtracting the slave population from the total population of the Southern States, we find that the white population of that section was one million three hundred thousand, or only just half that of the North. A study of these figures in detail will show more clearly the great differences already existing between the two sections. The South, with a total population of over two millions, contained only two large towns, Baltimore and Charleston, and a total urban population of sixty-seven thousand. The North, with a total population of over two millions and a half, contained two cities of over sixty thousand inhabitants each, and a total urban population of over one hundred and seventy thousand. One or two comparisons will be of interest as showing the extent to which slavery was even then exercising its influence. Taking Pennsylvania and Virginia, we find that Pennsylvania with a population of about six hundred thousand possessed a city of seventy thousand inhabitants. On the other hand, Virginia, whose boundaries for a long distance marched with those of Pennsylvania, contained no town of over seven thousand, and had an urban population of only twelve thousand four hundred and three in a total population of nearly nine hundred thousand. In Pennsylvania there were no slaves, in Virginia there were three hundred and fifty thousand slaves. This contrast between two States lying almost side by side is most interesting and forms

one of the best examples of the play of State lines, as well as of the results which slavery had already produced in the social development of the South. Slavery was practically extinct in the North, every State, except New Jersey, having since 1780 abolished slavery or set on foot some scheme for gradual emancipation which, as a matter of fact, ended in abolition. In the South, many far-seeing men, like Washington and Jefferson, were anxious to have the slaves in that quarter emancipated. But this was impossible, as the slaves formed such a large portion of the invested capital of the country. It could have been brought about only through purchase, in one form or another, by the national government. The funds for this purpose must have been largely, if not entirely, drawn from the North, and the people of that section having freed their own slaves without assistance would probably have been very unwilling to contribute to the aid of the South. This seems to have been the only moment when the slave-owners might have been bought out on reasonable terms and without bloodshed, and no such plan was even mentioned. The recent invention of the cotton gin combined with important inventions in the machinery for cotton spinning and weaving gave a tremendous stimulus to the production of cotton. After the cultivation of that staple on a large scale had become common in the South, slavery could be abolished only by war.

Communication with the Mississippi valley.

The American people still clung to the Atlantic seaboard, with the exception of two or three communities which had sprung up west of the mountains. The conditions of transportation had made scarcely any progress since 1760. Four roads or paths led from the seaboard over the mountains—two of them leading to the northern portion and two to the southern portion of the Ohio valley. About four hundred thousand settlers—including slaves—inhabited these vast solitudes between the mountains and the Mississippi. Separated by a

wilderness from the older States, the new settlements were a constant menace to the Union. The isolation of these western hamlets is comparable only to that of the inhabitants of some of the remote river valleys of Europe in the mediæval time. Jefferson regarded the rapid colonization of the western lands with alarm. No one could have foreseen at that time (1800) the changes which the introduction of the steam locomotive and the steamboat would make in the political aspects of the new world. It is almost safe to say that the political results which have flowed from the introduction of steam have equalled in importance for America the economic results. Without easy communication of some kind in the years 1800–1860 the area now occupied by the United States, if settled at all, must have been possessed by several different political organizations having varied and divergent interests.

Social condition, 1800.

In the art of living, the people in 1800 were where their fathers had been forty years before. In letters and learning there had been a slight advance, and the beginnings of a new era might even then be discerned. The religious oligarchy still maintained its hold on the New England intellect, but its days were numbered. The colleges seemed to be at a standstill—there were fewer students at Harvard in 1800 than in 1700. Philadelphia was still the literary and intellectual centre of the country, but even there during these years there seems to have been retrogression rather than advance. The American people was absorbed in repairing the havoc and waste of years of war and anarchy. This attempt had been successful, as an examination of the census returns will show.

Material growth, 1792–1800.

The year 1792 is the first year for which we have trustworthy returns. Let us compare a few of the statistics for that year with those of 1800. The total exports were valued in 1792 at twenty millions of dollars, in 1800 at seventy millions. In 1792 the imports were valued at thirty-one millions against ninety-one millions in 1800.

The income of the government had risen in this time from three million six hundred thousand dollars to ten million six hundred thousand. The federal expenditure, exclusive of interest on the national debt, had increased from one million eight hundred thousand to over seven millions. These figures show at once the increase in prosperity which followed the adoption of the Constitution, and also the success which had attended Hamilton's efforts to build up a large governmental establishment and to draw to it the revenues of the country. The very magnitude of the federal receipts and payments alarmed Jefferson.

Jefferson's Inaugural Address, 1801.

The country did not have long to wait before it became conscious that with Jefferson a new order was to be introduced into the government. Instead of proceeding in coach and four to the inauguration ceremonies, as had been customary, Jefferson walked to the capitol, read his inaugural address and took the oath of office. A few sentences from this address will serve to show that Jefferson, in becoming President, did not intend to abandon the theories of a lifetime. "The sum of good government," to his mind, was "a wise and frugal government, which shall restrain men from injuring one another, which shall leave them otherwise free to regulate their own pursuits of industry and improvement, and shall not take from the mouth of labour the bread it has earned." As to his late opponents, he desired conciliation, saying, "We are all Republicans, we are all Federalists." By this he meant, no doubt, that the mass of the Federalist party was composed of honest men who would be Republicans if they were well informed. He then laid down the broad lines of his policy, as follows: "Equal and exact justice to all men, of whatever state or persuasion, religious or political; peace, commerce, and honest friendship with all nations, entangling alliances with none; . . . . economy in the public expenditure, that labour may be lightly burdened; the honest payment of our debts, and sacred preservation

of the public faith; encouragement of agriculture, and of commerce as its handmaid; the diffusion of information, and arraignment of all abuses at the bar of public reason; freedom of religion, freedom of the press, and freedom of the person. . . . . Should we wander from them [the above principles] in moments of error or alarm, let us hasten to retrace our steps and regain the road which alone leads to peace, liberty, and safety." Anticipating our narrative, for a moment, it may be said that Jefferson so managed matters that in four years time the Federalist electoral vote fell from sixty-five to fourteen.

Changes in the Civil Service.

The new President was very fortunate in the selection of his leading advisers. He placed Madison at the head of the State department and Gallatin at the head of the Treasury. Two Massachusetts men, Dearborn and Lincoln, were Secretary of War and Attorney-General, respectively. The first three of these four men remained Jefferson's chief advisers during the eight years of his administration. The Republican President found the government offices occupied by Federalists. Among these office-holders were some of the most bitter opponents of the administration. One of these was Goodrich, formerly a Representative from Connecticut, who had resigned his seat to accept from President Adams the Collectorship of Revenue at New Haven. Nowhere was Federalism more rampant than in Connecticut. President Dwight of Yale College, situated at New Haven, probably expressed the opinions of many leading Federalists in the following remarkable sentences written soon after the inauguration: "We have now reached the consummation of democratic blessedness. We have a country governed by blockheads and knaves; the ties of marriage with all its felicities are severed and destroyed. . . . . Can the imagination paint anything more dreadful on this side hell?" It chanced that a young man named Bishop, at about this time, delivered an address defending

Republicanism before the literary societies of the college over which Mr Dwight presided. Jefferson removed Goodrich from the collectorship and appointed the father of this young orator to the place. The matter attracted attention out of all comparison with its importance. It must be conceded that Jefferson believed that a party containing more than one half of the voters of the country was entitled to a participation in the offices maintained by the nation. But in the first fourteen months of his administration, he removed only sixteen office-holders without assigning adequate reasons. To one office-seeker, who asserted that the Republicans were entitled to the offices as saviours of the country, he is said to have answered that "Rome was once saved by geese; but I have never heard these geese were made revenue officers." So far from using the government offices to reward his followers, Jefferson cut down the civil service, and thus to a considerable extent deprived himself of the means of so doing. As to Adams's "midnight appointments" he felt free to complete them or not as he chose, and he even refused to deliver commissions which Adams and Marshall had left properly signed at the moment of their hasty exit from office. The new federal courts were abolished by Act of Congress, and no one seriously questioned the constitutionality of the act. The judges of the Supreme and District courts of the United States held their offices for life. They were all Federalists, and so, too, were the minor officials of these courts. Jefferson felt that it was unwise to leave a great and important department wholly in the control of a party which the people had repudiated. He removed as many of the inferior officials as possible, substituting Republicans in their places. An attempt was also made to secure a place on the bench of the Supreme Court through the impeachment of Samuel Chase, one of the Associate Justices; but it failed owing, in some measure, to the mismanagement of the impeachers. The cautious temperaments of Jefferson and Marshall prevented any further conflicts, and

the Supreme Court remained in the control of the Federalists for many years. The necessity for the removals, above noted, is to be deplored, as they furnished a precedent for the wholesale removals of Jackson's time. But, as some writers have pointed out, Jefferson's action was made necessary by the earlier proscription of the Republicans by the Federalists.

Gallatin's financial policy.

The National Debt had increased in nine years (1792–1801) from seventy-seven to eighty-two million dollars, although this increase was not realized by the people, owing to the operation of a sinking fund. Of the income of the government, some ten millions in all, only about one and one-half million was derived from the internal taxes, which were collected at great disproportionate expense, and were very irritating to large sections of the population. The total expenditure of the government was nearly seven and one-half millions. Of this sum almost three and one-half millions were devoted to the navy. Jefferson and Gallatin were anxious to reduce these charges and taxes in the interests of economy, and also to undo as much as possible of the centralization of the Federalist government. It was plain that the great increase of expenditure had been on the navy. Jefferson disliked a naval establishment in itself. He believed that wars and disputes were often occasioned by the action of naval officers, or perhaps grew out of the presence of naval vessels in foreign ports. He also thought that the possession of naval renown made for war. If Jefferson had had his way he would have tied the war-ships to the most convenient wharves, employing a few watchmen to guard them. This would have freed at least three millions each year for the reduction of the debt, and the loss of the internal revenue taxes was to be made good by reduction in the diplomatic service and in the judiciary. It proved to be impossible to carry out this scheme in its entirety. The internal taxes were abolished and with them a large number of offices. But although the national debt was in part extinguished, the

creation of a new debt to pay for the purchase of land in 1803 and for the War of 1812 postponed the extinction of the debt for many years, although Gallatin reduced it from eighty-two million to about forty million dollars. As to the navy, its first renown was gained during Jefferson's administration.

The Barbary Corsairs seem to have had little faith in theories as to the possibilities or virtues of a general peace. They had demanded and received money from the United States, and at last in 1800, as a means of extracting a larger tribute, the Pacha of Tripoli declared war against the United States. Jefferson, instead of tying the vessels to a wharf, was obliged to send them to the Mediterranean. One expedition necessitated another, and in 1803 the Republican Administration began the construction of several sloops-of-war especially designed for service on the coasts of Northern Africa. In 1804, the matter was concluded to the satisfaction of the United States. It was during this war that the American naval officers gained the skill which stood them in good stead in the later contest with Great Britain. The people listened with avidity to the recitals of the deeds of daring associated with the names of Decatur, Preble, Bainbridge, and Barron, and acquired a taste for naval adventure, quite foreign to the desires of the President.

The Tripolitan War.

The most important act of this administration was the purchase of that territory lying between the Mississippi, the Rocky Mountains, and the Rio Grande, which then was known under the general name of Louisiana. The colony included under this designation had been settled originally by the French at the end of the seventeenth and the beginning of the eighteenth centuries. It had led a struggling and feeble existence, and in 1763 it was ceded to Spain to recompense her for Florida, which that power had been obliged to give to Great Britain in exchange for Havanna—captured by the British in 1761. It is important

France regains Louisiana, 1800.

to observe at the outset that this vast region had been valued in 1763 as the equivalent of the Spanish colony of Florida. The French King, at the time that he ceded Louisiana to Spain, had ceded his other territories on the continent of North America to Great Britain. In 1797, France had once more become the most powerful military state in Europe. Talleyrand, at that time foreign minister, conceived the scheme of rebuilding her former colonial empire, in the hope, perhaps, of forcing her people upon the sea, and in this way re-establishing her marine. He designed, as the first part of this plan, to regain Louisiana from Spain. Napoleon, when he became the first power in France, entered heartily into Talleyrand's plans, and forced Spain (1800) to retrocede Louisiana to France. The price paid for this cession was the dangerous goodwill of Napoleon and an elusive Italian throne for the Spanish king's son-in-law.

The Administration aroused.

The announcement of this change of ownership aroused a storm of indignation in the United States. The pacific Jefferson, forgetting the interests of peace, wrote a letter, the gist of which was to be communicated to the French government. A few sentences from this letter will serve to show how serious the matter seemed to the President. Among other things, he said: "The day that France takes possession of New Orleans fixes the sentence which is to restrain her for ever within her low-water mark. It seals the union of two nations, who, in conjunction, can maintain exclusive possession of the ocean. From that moment we must marry the British fleet and nation."

The Louisiana Purchase, 1803.

The matter was further complicated by the action of the Spanish authorities at New Orleans. The Mississippi formed the principal outlet for the people of the western portions of the United States. The lumber, grain, and other produce of the Ohio basin was carried on flat boats or rafts to New Orleans and there placed on sea-going

vessels. The United States had secured from Spain the right for her citizens to store their goods at New Orleans pending trans-shipment. There was no topic about which the people of Kentucky and Tennessee were so sensitive as the navigation of the Mississippi. Suddenly, the Spanish Intendant at New Orleans withdrew "the right of deposit" from the Americans. The indignation of the westerners blazed out in fury. Jefferson was forced to do something besides write letters. Orders were at once sent to Livingston, the American minister at Paris, to buy the strip of coast extending eastward from the Mississippi and including New Orleans, and Congress voted money to pay for it. For a time Livingston pressed the matter upon the attention of the French government with great pertinacity but without success. But on April 11th, 1803, Talleyrand startled him by inquiring "whether the United States wished to have the whole of Louisiana?" Two days later Monroe of Virginia, who had been sent abroad with a species of roving commission, reached Paris; but the actual conduct of the negotiation remained in Livingston's hands. Eventually the Americans, exceeding their instructions, bought Louisiana for the sum of fifteen million dollars, of which three and three-quarter millions were to be used to pay claims of Americans for spoliations committed by France since 1800. The precise motive which actuated Napoleon in making this sale seems impossible to discover. The reason usually assigned by writers is that foreseeing war with England he could not hope to retain Louisiana and preferred that it should fall to the United States rather than to England. This however does not seem to be an adequate explanation, as the fate of Louisiana at the close of a war would depend mainly upon Napoleon's success or failure in Europe. It would be interesting to ascertain Jefferson's feelings at the moment the report of the purchase reached him. For years he had been proclaiming that the Federal government possessed such powers

only as were expressly delegated to it by the Constitution. But there was nothing in the Constitution authorizing the United States to buy land. In the first moment of surprise, he declared that an amendment to the Constitution would be necessary. But the impolicy of thus delaying the ratification of the treaty was evident. He laid aside his scruples for the moment and nothing was ever done in the matter. Yet the purchase of Louisiana with all its possibilities was an act far exceeding in doubtfulness anything the Federalists had ever done. The limits of the new acquisition were even more dubious. The treaty described the territory ceded as "the colony or province of Louisiana, with the same extent as it now has in the hands of Spain, and that it had when France possessed it, and such as it should be after the treaties subsequently entered into between Spain and other powers." The United States government immediately asserted that it included West Florida, but did not press its claim to Texas, or the country between the settlements in the Mississippi basin and the Rio Grande. Mr Henry Adams has recently discovered the orders issued by the French government, when it expected to take possession of the country for itself. This document shows that France and Spain understood the cession to include Texas and to exclude any part of West Florida. In view of these facts, it is difficult to describe the boundaries of Louisiana or to state its area. It may be said, however, to have included the whole western half of the Mississippi valley, the Island of New Orleans, and the country between the Mississippi and the Rio Grande. It also may be regarded as having given the people of the United States the opportunity of acquiring Oregon by rendering the colonization of that region more easy.

Jefferson re-elected President, 1804.

The general satisfaction felt by the people at the peaceful acquisition of this domain and the settlement of all disputes as to the navigation of the Mississippi increased if possible Jefferson's popularity.

He was re-elected President in 1804 by one hundred and sixty-two votes against fourteen cast for Pinckney, the Federalist candidate. Even New Hampshire and Massachusetts gave their votes to Jefferson. Connecticut and Delaware were the only States whose entire vote was given to the Federalists.

Two things attract the student's attention during Jefferson's second administration: Burr's conspiracy, and the complicated relations with Great Britain and France. Aaron Burr, the late Vice-President, was now thoroughly discredited politically by his double-dealing with both parties. Socially he was an outcast, for the killing of Hamilton in a duel had aroused the moral feelings of the people in the North and may be said to have put an end to duelling in that part of the country. He was in debt and without any means of support, as he could not resume his law practice in New York. He turned his uneasy eyes to the South-West and there saw a field of operations commensurate with his desires and his abilities. What Burr really had in mind has never been ascertained. At times he spoke of becoming an Emperor with descent to his daughter Theodosia. At another time, the scheme seems to have been to separate the country west of the mountains from the older States on the Atlantic seaboard, and to found a new republic in the wilderness, with Burr, perhaps, as President. It is not unlikely that the real design of the plotters was never disclosed. At all events, the conspiracy ended in complete failure. Wilkinson, the American commander in Louisiana, at the last moment determined to be true to his country and false to his friend. Burr, finding his scheme hopeless, abandoned his comrades and tried to reach Florida through the sparsely settled country between the Mississippi and the peninsula of Florida. He was recognised in a frontier town and taken to Richmond for trial. The end was as ludicrous as any part of the scheme, for Chief

Burr's conspiracy and trial.

Justice John Marshall, who presided at the trial, ruled that an overt act of treason within the meaning of the Constitution must be first proved and then Burr connected with it. As Burr had never been able to levy war the prosecution for treason stopped at that point. Other prosecutions for misdemeanour shared a similar fate, and many years later Burr died quietly in New York at the advanced age of eighty years.

Commercial relations, 1783–1804.

The renewal of the European contest brought in its train new vexations and hardships to the United States, and the War of 1812 was largely the result of the ill-feeling thus aroused. It will be well to go back a few years and to consider as one subject the commercial relations of the United States with foreign powers before 1812. The Americans seem to have expected to enjoy as an independent nation the same rights of trade which they had enjoyed as members of the British Empire. In this they were disappointed. The traffic which they especially desired was that with the English West India Islands. As those islands did not produce sufficient food for their own inhabitants the British government permitted a few commodities to be imported from the United States in British bottoms, provided payment were made in molasses or rum—payment in sugar being forbidden. The Americans moreover carried on a large and profitable trade with the French and Spanish West Indies—whose direct intercourse with the mother lands was now difficult, owing to the vigilance of the British cruisers. Landing these French and Spanish colonial goods on an American wharf and paying duty, the Americans would then place them again on shipboard—perhaps on the same vessel from which they had been unloaded—receive the greater part of the duty back in the shape of a "drawback," and sail away for a French or Spanish port. One of these vessels, the *Polly*, was seized and carried to Great Britain. Sir William Scott, better known perhaps by his later title of Lord Stowell, decided

as Judge in the British Admiralty Court that voyages made under the above circumstances had been broken, and that the *Polly* and her cargo must be regarded as American. There was also in existence in those days an agreement between certain nations of Europe known as "The Rule of War of 1756." This was to the effect that no nation could enjoy in time of war a trade denied to it in time of peace. Under the operation of this rule, the Americans had no right to enter or leave French or Spanish West India ports. In the winter of 1793–94, the British West India cruisers seized many of the American vessels in the West Indies. President Washington protested, and by Jay's Treaty this matter was settled practically in favour of the Americans, though direct trade between the French Islands and France in American bottoms was prohibited. Under these favourable circumstances, American commerce flourished beyond measure. This was the condition of affairs when the Peace of Amiens (1802) put a period to the first part of the great war. Great Britain entered on the second part of that struggle in a stern frame of mind. There was especially strong feeling against the continuance of the favours shown to the Americans. The English merchants protested, and Sir James Stephen, one of the ablest men in England, wrote a remarkable book, entitled *War in Disguise, or the Frauds of the Neutral Flag*. Under this pressure from the merchants, and provided with such a good statement of the British side of the case, Mr Pitt decided to enforce the "Rule of War of 1756." Sir William Scott also at about the same time changed his mind, and in the case of the *Essex* decided that much more was required to break a voyage than he had thought necessary at the time of the decision in the case of the *Polly*. Seizures were now made right and left, and war against the United States existed in all but name by the act of England. The reply of the United States was a Non-importation Act, to take effect after nine months—"a dose of chicken-broth," as one member

of Congress described it, "to be taken nine months hence." Before that time came, the matter had assumed a much more serious phase.

Great Britain and Napoleon, 1804–1806.

On October 21st, 1805, the English won the memorable victory off Cape Trafalgar. In the following December, Napoleon defeated England's allies in the great battle of Austerlitz. It was now evident that Napoleon could not attack Great Britain directly; but, on the other hand, neither Great Britain nor her allies could accomplish much against Napoleon on land. The two combatants thereupon seemed to have determined to starve one another into submission. In the carrying out of this policy, American ship-owners were the principal sufferers. The sympathies of the modern student of American history are somewhat divided as between the two belligerents. On the one hand, the Napoleonic earthquake made possible social and political reforms with which he is in full accord. On the other hand, the heroic resistance of the British people saved the New World as well as the Old World from the evils of a military despotism.

"Fox's blockade" and the Berlin Decree, 1806.

The first step in this three-cornered contest—for the United States soon became an active participant, was the issuing an Order in Council (May 16th, 1806), declaring a blockade of the coast of the Continent from Brest to the Elbe. This blockade was enforced only between the Seine and Ostend, and was repealed as to the German coasts on September 27th of the same year. It is sometimes known as Fox's blockade, and was an effective blockade between the two points above named. Napoleon began his part of the campaign of starvation by the Berlin Decree (November 21st, 1806). In this decree the British Islands are declared to be "in a state of blockade," no commerce whatever being allowed with them. Furthermore, all trade in British merchandise was forbidden. On the first day

of the next month (December, 1806) a treaty was signed at London between the United States and Great Britain, which was designed to take the place of Jay's Treaty, soon to expire by limitation. This new treaty was very unfavourable to the United States. Among other things, it contained a provision that the "Rule of 1756" would not be regarded as in force in respect to goods upon which a two per cent. *ad valorem* duty had been paid in the United States—provided it should not be returned as a drawback. There was no mention of impressment in the treaty, nor was indemnity for spoliations committed by the British provided for. It is difficult to see what reasons could have induced Monroe and Pinckney, the American negotiators, to sign such a treaty. It is even more difficult to discover why they should have consented to receive a supplementary note to the effect that the British government would not carry out this treaty unless America should resist the Berlin Decree. Jefferson consulted with a few Senators and sent the treaty back to England without submitting it to the Senate.

The British Orders in Council.

On January 7th, 1807, Great Britain's answer to the Berlin Decree appeared in the form of an Order in Council closing the coasting trade of the Continent to neutrals—so far as ports under French control were concerned. Late in the same year (November 11th, 1807) another Order in Council was issued, the effect of which was to secure the condemnation of any American vessel seized while on a voyage to any European port closed to British vessels, unless such vessel had first touched at a British port. Napoleon, on his part, in the Milan Decree (December 17th, 1807) declared that any ship which had obeyed the above order was good prize if seized in any port under his control. At this time, Napoleon was the virtual master of all the continental ports except those of Sweden, Norway, and Turkey, and the British were supreme on the ocean. These orders and decrees, therefore, provided for the speedy annihilation of American shipping and

this seems to have been the object of the last British Order in Council if one may judge from a perusal of Mr Percival's correspondence on the subject. The official reason as stated was a desire to compel the United States to retaliate upon the French government. The vessels bearing these later Orders and Decrees reached the United States at about the same time. Jefferson had always maintained that nations could be compelled by appeals to their interests as effectively, and much more cheaply, as by appeals to their fears. He now had an opportunity to put his theories into practice. Meantime, however, another matter had excited the prejudices of the Americans against Great Britain. This was the dispute as to impressment.

The Impressment Controversy.

Ever since the beginning of the contest between France and Great Britain in 1793, British sea captains had stopped American vessels and taken from them for service in the British navy British subjects found on board. If the matter had stopped there, it would have been bad enough, as the American government from the beginning denied the right of search. But the matter did not stop there. In the first place it was difficult to distinguish between an American and an Englishman. Indeed, the fate of many American seamen was a hard one during this period of strife. The English naval captain impressed him because he looked like an Englishman and the French authorities imprisoned him for the same reason. Secondly, the English government refused to recognize naturalization as doing away with the inalienable allegiance due from all British subjects. The doctrine of inalienable allegiance was then the recognized doctrine of European nations; but it seemed a little strange that the British government should have held so strongly to it in view of the Acts of Parliament passed before the Revolution, naturalizing foreigners after short periods of residence in the colonies. It was, as a matter of fact, upon these Acts of Parliament that the American practice of naturalization was based.

There were abuses in the system, however, which no doubt irritated the English officers. English seamen deserted at every American port and were encouraged to do so in many States. They were provided with state naturalization papers, in some places as a matter of course. The whole crew of one British man-of-war is said to have deserted, and in a single port there were twelve British vessels detained at one time by reason of wholesale desertions. As the contest progressed, the larger American ports were blockaded by the British cruisers, which stopped every vessel going in or out and impressed seamen almost at will. There were at times several thousand native Americans serving on British war vessels. Finally on June 22, 1807, the matter was brought to a crisis by the British ship *Leopard* firing on the American frigate *Chesapeake*. The *Chesapeake* was just out of the hands of the dockyard authorities, everything was in confusion, and it was only by means of a coal from the cook's galley that one gun was fired in return to save the vessel's honour before her flag was hauled down. The *Leopard's* officers took from her three American citizens and one English deserter, and the *Chesapeake* then made the best of her way back to Norfolk, almost a wreck. A thrill of indignation swept through the United States only equalled by the indignation which had been aroused by the conflict at Lexington in 1775. The President issued a Proclamation ordering all British war vessels out of the waters of the United States, and forbidding any intercourse with them or the furnishing them with any supplies. Redress was demanded, and an attempt was made to couple with the *Chesapeake* affair the whole question of impressment. The British government disavowed the action of the Admiral by whose orders the outrage had been committed, but refused to give up impressment. The matter therefore was left to embitter the already critical relations of the two countries. It was while affairs were in this unsettled

condition that the Order in Council of November 11th, 1807, was issued.

Jefferson's Embargo Policy.

Jefferson recommended an embargo, and Congress, without debate of any importance, passed an Embargo Act (December 23, 1807) forbidding American vessels to leave the United States for foreign ports, and foreign vessels were not permitted to take any cargo except what was actually on board. The original act was amended from time to time in the direction of greater stringency. The last attempt to enforce it was by the passage of the Enforcement Act of January, 1808. The provisions of this act will serve to show the great difficulty experienced in trying to carry out this embargo policy. The Enforcement Act required, for example, that the owners of coasting vessels, before the cargo was placed on board, should give bonds to six times the value of the vessel and proposed cargo, obliging them to land the goods in the United States. The collectors of customs were authorized to seize goods "in any manner apparently on their way toward the territory of a foreign nation or the vicinity thereof." Under this act, as some one said, the collector of customs at St Alban's, Vermont, was authorized to seize a Vermont cow walking "toward the vicinity of Canada." The Embargo brought about the temporary ruin of Jefferson's popularity and the revival of the Federalist party in New England. It also gave rise to a secession party in that section which played directly into the hands of England. Indeed Lord Castlereagh considered that in so far as the embargo injured the Republican party and helped the Federalists, it operated directly in the interests of Great Britain. From a political point of view, therefore, this policy was a failure. Furthermore, it compelled the Republicans to abandon the ground of 1798, and to adopt broad construction theories in the interpretation of the Constitution. From a national stand-point this was a great gain, but from a Jeffersonian point of view it must be reckoned among the failures.

The embargo produced no effect on France—except as it served Napoleon for a useful pretext to justify two later decrees. The earlier of these was issued at Bayonne (April 17th, 1808), and directed the sequestration of all vessels flying the United States flag on the ground that no American vessels could honestly navigate the ocean while the embargo was in force. The other decree, that of Rambouillet (1810), directed the confiscation of all vessels then in French hands. As to Great Britain, however, the case was different. The embargo no doubt contributed to bring on a commercial crisis in England. Prices of Continental and American goods rose to prohibitive limits. At the same time, the markets of the world being largely closed to her, prices of English goods declined. The Americans, especially the New Englanders, began to manufacture for themselves and it seemed not impossible that the American market might be permanently lost. Since the sufferers among the manufacturing population in England had no political power, it may be said that the embargo as regards Great Britain was a complete failure.

Effect of the embargo on England and France.

The sufferers from the embargo policy in America, unlike their fellow-sufferers in England, possessed direct political power and before long exercised it. The embargo bore more heavily upon Jefferson's own political friends in Virginia than upon anyone else. Virginia's tobacco crop was her principal source of wealth; and for several years the surplus over the needs of the American market was unsaleable. Many planters were ruined outright and many more were seriously crippled; but they bore their injuries with patience. Not so the New Englanders. The shipowner saw his vessels rotting at the wharves at the very moment when freights were at the highest. It was of no use to tell him that the government was protecting him from loss by compelling him to keep quiet. He was quite willing to take the risk and pocket

The embargo in the United States.

the profits, trusting to the government to secure indemnification in case his ship should be captured. But the New Englander was not the man to stand idly by and complain. At first he tried to evade the law. When the Enforcement Acts at last made that unprofitable, he turned his attention to manufacturing —and the manufacturing industries of New England date back to this time. During this period he omitted no opportunity to complain against the Jeffersonian government. The fruits of six years of conciliation were lost in a very short time. Portions of the country, indeed, seemed on the eve of rebellion, and it became evident to Jefferson by January 1809—when he had but three months more to serve—that the embargo, whether it were a success, as he declared, or a failure, as his enemies asserted, must be repealed and that soon.

Repeal of the embargo, 1809.

Madison had meantime been elected President, and to him Jefferson left the practical conduct of affairs during the last few months of his official life. Madison planned to have the embargo removed in June, 1809. But the subject of repeal was no sooner brought up in Congress, than it became evident that a majority was in favour of an immediate repeal, and the embargo was removed on March 4th, 1809, the day of Madison's inauguration. In its place Congress provided for non-intercourse with France and Great Britain and their respective adherents and dependents.

Jefferson's commercial policy.

Historical writers have been accustomed to wax merry over Mr Jefferson's policy of substituting commercial restrictions for war; but it may well be asked if the facts of the world's history from 1801 to 1809 justify this view. The nations of Europe were at that time war-mad. Rules of conduct which had obtained for centuries were thrown to the winds by the master despot. The British nation, regarding itself as the saviour of the world, was disposed to treat the neutral as if he were one of the saved.

It would seem that Jefferson deserves credit for keeping his country free from war at such a time. Finally, it must be remembered that his policy was not the only policy that failed of its expected results in that time of delirium. It may also be pointed out that the Jeffersonian system of commercial warfare as a matter of fact brought about the repeal of the Orders in Council on June 17th, 1812—one day before war was declared against Great Britain by the United States. Had the submarine cable suddenly come into being at that time, the war of 1812 probably would not have taken place.

CHAPTER VII.

THE SECOND WAR OF INDEPENDENCE AND THE ERA OF GOOD FEELING.

The beginning of Madison's administration.

For a time events appeared to turn in Madison's favour. The New Englanders ceased from sedition and exerted themselves to make money by manufacturing—for English goods were still excluded from the country; and, also, from a most profitable commerce which was carried on with the few European countries not under the control of either France or Great Britain. It even seemed for a moment as if England would enter again into friendly relations with the United States. A treaty was negotiated with Mr Erskine, the British minister at Washington, on terms satisfactory to the American government. But Erskine had exceeded his power. The British government refused to ratify the treaty, and recalled their envoy; and Madison, who had suspended non-intercourse with Great Britain was obliged to issue a Proclamation again imposing it. Erskine's successor was a Mr Jackson, who had represented Great Britain at Copenhagen at the time of the seizure of the Danish fleet. He had then used language to the Prince Royal of Denmark for which King George III is said to have remarked that Jackson should have been kicked downstairs. He now accused Madison of having knowingly deceived Erskine; and, repeating the assertion, Madison declined to receive any more communications from him. He returned

home, delaying on the road to encourage the Federalists of New England in their intrigues against their government.

Non-intercourse did not seem to be producing any marked effect on either of the belligerents. On May 1st, 1810, Congress substituted for it a bill known in American political language as Macon's Bill, No. 2. This provided that non-intercourse should cease. In case, however, one belligerent should revoke its decrees or orders and the other should not do so, it was provided that the President should reimpose non-intercourse against the offending nation. Then followed a most distressing diplomatic contest, in the course of which Madison was entirely overreached by Napoleon. That master of duplicity offered to revoke his decrees on November 1st, 1810, so far as American shipping was concerned, provided Great Britain should rescind the Orders in Council before that day. Lord Wellesley, the British Foreign Minister at the time, offered to rescind the orders after Napoleon had revoked his decrees. Madison, however, understanding that the French decrees really were withdrawn, suspended non-intercourse with both countries.

Commercial policy modified, 1810.

It will be remembered that the American government had interpreted the provisions of the Louisiana Purchase to include West Florida. But against this the Spanish government had protested, and Talleyrand had stated that the Spanish interpretation was the true one. As long as Spain remained an independent nation, the Americans were not disposed to push their claim. Now (1810) it seemed probable that Spain would become a dependence of either France or Great Britain. The occupation of West Florida by either of those powers would have menaced the control of the Mississippi by the United States. Madison decided to take possession of West Florida. A portion was occupied in 1810 and the remainder in 1812. The United

Seizure of West Florida, 1810–12.

States had not the shadow of a claim to East Florida, or that province would probably have been seized also.

Cabinet changes.

When Madison laid down the office of Secretary of State to become President he wished to promote Albert Gallatin—the ablest man in the cabinet—from the Treasury to the State Department. He was unable to do this, however, owing to the opposition of a faction led by Senator Smith of Maryland, whose brother Robert Smith was Secretary of the Navy. Gallatin had earned the enmity of this clique by condemning in severe terms the inefficient and wasteful management of the Navy Department by Robert Smith. So powerful were the Smiths, however, that the President was obliged, not only to put aside his plan as to Gallatin, but even to appoint Robert Smith Secretary of State. The latter could not write a proper state paper, and Madison was accustomed to write the important despatches himself, Robert Smith copying and signing them. The charter of the United States Bank was about to expire, and Gallatin desired to re-charter it, for, as things stood, it was indispensable to the efficient management of the treasury. Robert Smith did not oppose the plan in the Cabinet, but with his brother's aid secured its rejection by Congress. This was more than Gallatin could bear, and he forwarded his resignation to the President. Now, at last, the patient Madison was aroused. He asked Gallatin to remain, removed Smith, and requested Monroe, who had opposed the government since the rejection of his treaty with England, to take the vacant post. Monroe accepted, to the indignation of many of his friends, and again entered political life.

The Gerrymander.

During these years of embargo and non-intercourse the Republicans had suffered many defeats in New England. They now had control in Massachusetts. To perpetuate their hold on the upper house of the legislature of that State, they rearranged the senatorial districts to secure as many Republican districts, and hence

as many senators, as possible. Some of the new districts were of a most extraordinary shape, resembling in outline those quaint monsters, salamanders and the like, with which mediæval map-makers were wont to dot the unknown parts of the sea. To these the Federalists gave the name of gerrymander, as a satire on the Republican governor, Elbridge Gerry, who signed the bill. In this connection Gerry is still remembered among all English-speaking peoples.

The *President* and *Little Belt*, 1811.

In May, 1811, the American frigate *President* and the British sloop-of-war *Little Belt*, owing to some misunderstanding not now to be discovered, fired on each other in the darkness of the early evening and the *Little Belt* was badly crippled. This affair reconciled the American people to accept reparation for the *Chesapeake* outrage, and accordingly the American citizens seized by the *Leopard* in 1807 were restored to their country. To Americans of the present day, this whole matter of impressment seems extraordinary. The press-gang saved the British government a few thousand pounds in seamen's wages, at the cost of great hardship to Englishmen and oftentimes to their families as well. It did more than anything else to keep alive the spirit of resentment on the part of Americans towards the British nation, which was one of the principal causes of the War of 1812. Another cause of that war was the conviction, which obtained especially among the people of the North-west, that the British authorities in Canada were at the bottom of the Indian troubles of the period.

The Battle of Tippecanoe, 1810.

Among the Indians of Indiana Territory were two brothers, named Tecumthe and "the Prophet." Under their lead the Indians protested against the United States securing more land in that region from individual tribes. They maintained, on the contrary, that the land belonged to the Indians as a whole, and could only be acquired by general consent. Following a refusal

to acknowledge the justness of this argument, murders and thefts became common. The settlers in the North-west were alarmed. William Henry Harrison was then the governor of that region. Gathering a small army composed of regulars and volunteers, he marched to Tecumthe's town of Tippecanoe. While encamped near that place he was attacked at night by a large body of Indians, who were beaten off with great loss. They then abandoned their village. Tecumthe, who was absent at the moment of the battle of Tippecanoe (1810), joined the British in Canada, and this gave colour to the assertions of the Americans that he was a British emissary.

War declared, 1812.

A few days before this conflict the Twelfth Congress met at Washington. The House of Representatives was now controlled by Henry Clay, John C. Calhoun, and other young men, to whom the theories of Jefferson and the founders of the Republican party were hardly more than traditions. They had had little or no part in the passing of the embargo, and believed that war with Great Britain was the only way out of the difficulties which surrounded the United States. They won the President to their side—he was now anxious as to his re-nomination—and war was declared against England on June 18th, 1812. The events which led up to the war have been narrated in the previous pages. Perhaps war was necessary, as Clay asserted. It is not probable that it would have taken place, however, had the British government and people treated the Americans as equals. For example, Mr Canning, in conversation and in his official correspondence with the American ministers at London, used language which made forgiveness without humiliation practically impossible. The following extract from a speech made in the House of Commons will serve to show the tone adopted towards the American people by at least one British minister, and that a conciliatory man. This diplomatist asserted in 1812 that "generally speaking, they [the Americans] were not a people

we should be proud to acknowledge as our relations." Later, in 1813, Lord Liverpool, the Prime Minister, declared that America "ought to have looked to this country as the guardian power to which she was indebted not only for her comforts, not only for her rank in the scale of civilization, but for her very existence." Bearing these speeches in mind, it is easier to understand the exultation of the Americans over the capture of the *Guerrière* by the *Constitution*, and, also, the surprise expressed in the English papers when it was announced that English frigates must sail in pairs for safety against American "line-of-battle-ships in disguise." The War of 1812 was waged by one free people against another free people in the interest of Napoleon, the real enemy of them both. It diverted England's strength at a time when it was sorely needed in Europe, and it might have been prevented at any time before 1812 by a few conciliatory words followed by conciliatory deeds.

Campaigns of 1812, 1813, and 1814.

It is impossible to formulate even a rough estimate of the strength of the two combatants. It is equally impossible to state the reasons for the failure of both parties to accomplish their objects. The people of the North-west regarded the conquest of Canada as the only means by which an end could be put to the Indian troubles, and that conquest was begun in a spirit of rashness and with an amount of ignorance of the character of the undertaking which shows how completely the lessons of the Revolutionary War had been forgotten. Several half-trained armies, led by incapable generals, Hull, Dearborn, Van Rensallaer, and Smyth, crossed the border. The British General Brock and other able officers, with a small but efficient body of troops, soon put an end to the invasion and began a counter attack on the United States (1812). It is to be regretted that the British were aided at this time by a considerable body of Indians. A victory of a green-timber navy under Perry (1813) enabled the Americans to regain control of the original territory

of the United States. The abdication of Napoleon (April, 1814) freed the hands of the British, and the United States was invaded from three separate directions. On the American side the army was now placed in better hands. Jacob Brown, a Quaker with slight experience in the field, was given command in the North. He was a man of energy and was ably seconded by his two brigadiers, Winfield Scott and Ripley. There were several conflicts, those at Lundy's Lane and Fort Erie being creditable to both sides. Indeed, the former, where a small force of Americans opposed about the same number of Wellington's veterans in the darkness of night, is the most extraordinary conflict of the war. But Brown accomplished little more than to hold his own. Meantime a well-appointed army under Prevost had marched southward on the line of Lake Champlain. But MacDonough's victory gave the control of the water to the Americans, and Prevost was obliged to return to Canada.

The Burning of Washington, 1814.

The same summer (1814) witnessed the burning of Washington by a force commanded by General Ross and Admiral Cochrane. Landing on the banks of the Patuxent, the British marched to Washington through a sparsely-inhabited country, meeting with only slight opposition at Bladensburg. They remained at Washington long enough to burn the public buildings—save one, and then retired in great haste to their shipping. This incendiarism was perpetrated by the orders of the commanders, and under their personal direction. It was said to be in retaliation for the burning of the Assembly House at Toronto (then called York); but that act had been the work of private soldiers, and had been disavowed by the commanding officer: and it had already been amply avenged by the burning of Buffalo by the British. The destruction of the public buildings at Washington aroused indignation in London—one paper sorrowfully remarking: "The Cossacks spared Paris, but we spared not the capital of

America." A subsequent attack on Baltimore was repulsed with some loss to the British, including that of General Ross the commander.

The last serious conflict of the war was the unsuccessful campaign against New Orleans, December 7, 1814—Jan. 8, 1815, by a formidable force led by General Pakenham, one of Wellington's subordinates. The American commander in that quarter was General Andrew Jackson—a man of great energy. At first he seems to have been very dilatory. But when at last he understood the nature of the task, he took prompt and effectual measures for resistance. The American artillery practice proved to be superior to that of the British, and it was due to this fact and to the great difficulties offered by the physical conformation of the country in the vicinity of New Orleans that the attempt ended in disaster. The last attack in this campaign was made two weeks after the signing of the treaty of peace at Ghent.

Jackson's defence of New Orleans, 1814–15.

It was on the water, however, that the Americans contributed most to the history of warfare. The American sea-going navy consisted in 1812 of three large frigates, known as "forty-fours," four smaller frigates, rated at from thirty-two to thirty-eight guns each, and a number of sloops-of-war and brigs mounting from sixteen to eighteen guns. There were about a dozen vessels in all, compared with more than eight hundred on the British naval list. It seemed to be the height of folly to send these vessels to sea to be picked up one after another by the fleets of Great Britain, and Madison desired to use them as guard-ships in the larger ports. It was not easy, however, to restrain the ardour of officers like Decatur and Hull, who once at sea were not likely to regain the shelter of a port without a fight of some kind. One of the first to get to sea was the *Constitution*, commanded by Captain Hull, nephew to the coward who had surrendered Detroit. While on a voyage from Annapolis to New York, he

The *Constitution* and *Guerrière*.

fell in with a British squadron of five ships, carrying from sixty-four to thirty-two guns each. From sundown on July 17th to the morning of July 20th the squadron chased the single ship through alternate calms, breezes, and squalls, occasionally getting near enough to try the range of a gun or two. In the end, Hull saved his ship, after one of the most memorable chases in naval annals, and reached Boston in safety. Sailing thence on August 2nd, without any orders, except the old ones to go to New York, he cruised about until August 19th, when he sighted the British frigate *Guerrière.* The *Constitution* was one hundred and seventy-three feet long and forty-four feet wide. She carried thirty-two "long 24's" and twenty "32 lb." carronades, or fifty-two guns in all. Her sides were very solid for a ship of that period, and she was very heavily timbered throughout. The *Guerrière* was one hundred and fifty-six feet long and forty feet wide. She carried thirty "long 18's," two "long 12's," and sixteen "32 lb." carronades, or forty-eight guns in all. She was not as strongly built as her opponent, and not only had four guns less, but also threw a much lighter broadside. In thirty minutes she lay a wreck on the water, with seventy-nine of her crew killed or wounded; and she sank soon after her men had been removed. On October 17th, the American sloop-of-war *Wasp* encountered the British brig *Frolic.* The *Wasp* threw a slightly lighter broadside than the *Frolic,* and was six feet longer. Both were rated as carrying eighteen guns. In forty-three minutes after the first gun was fired the *Frolic* was a wreck, with ninety of her crew of one hundred and ten killed or wounded. Before the end of the year two more British "thirty-eights," the *Java* and *Macedonia,* had struck to the *Constitution* and *United States.*

Effects of these sea-fights.

The loss of three frigates was, in itself, nothing to the English navy. But the effect of these battles can be compared only with that produced by the *Monitor-Merrimac* fight of a half-century later.

One English paper proposed that British frigates should run away from the *Constitution* on the ground that she was a "seventy-four," a "line-of-battle-ship in disguise." There can be no question that the *Constitution*, *President*, and *United States* were the most powerful frigates then afloat. They had been designed with that precise object in view, as armoured cruisers are designed now-a-days. The guns of the *Constitution*, on August 19th, 1812, sounded the death-knell of impressment and the right of search. It is not necessary to enumerate the other naval encounters of the war, except the notable capture of the American frigate *Chesapeake* by the *Shannon*, and that of the American sloop-of-war *Argus* by the *Pelican*. Most of the national vessels were kept in port by the British blockading squadrons after 1812.

The American privateers.

During the later years of the war, the American privateers continued their hazardous calling. They ran the blockade almost with impunity, and established in turn what might be described as a "privateer blockade" of portions of the British Islands. Many of these privateers were fine large vessels, carrying an armament as heavy as that of a sloop-of-war, and quite the match of an ordinary sixteen-gun brig. Though the fastest vessels then afloat, they were nearly all captured sooner or later. But the loss of one vessel seemed to stimulate the owner to construct another and better one. Some of them were built and placed on the ocean within sixty days. In the course of the war they captured more than two thousand five hundred British vessels, about one-half of which were recaptured while on their way to America. In the winter of 1814–15, the privateers infested the British coasts to such an extent that a shipowner was fortunate if he could insure his ship for ten or even thirteen per cent. for a run across the Irish Channel. At one time they hovered about the mouth of the Thames, and one little schooner of two hundred tons captured a despatch boat in the Straits of

Dover. The great lines of commerce were also carefully watched. One English ship captain reported that his vessel was three times captured and as many times recaptured on a voyage across the Atlantic, adding that he saw no less than ten privateers on that short passage. Profitable commerce was difficult under such conditions; and the British merchants now spoke of the United States as a "power whose maritime strength we have hitherto impolitically held in contempt." Mr John Wilson Croker, at that time Secretary of the Admiralty, threatened with condign punishment an enterprising merchant captain who had abandoned his convoy when within sight of the British coast, and had been captured. "Such illegal acts," said Mr Croker, "are attended with injurious consequences to the trade of the country."

The Treaty of Ghent, 1814.

The contest between Napoleon and Russia had been renewed in June 1812, four days after the declaration of war against England by the American Congress. The principal reason for this new conflict between France and Russia was the refusal of the latter power to enforce the continental system against the Americans or to compel the other Baltic powers like Sweden to enforce it. The Czar saw with some dismay England and the United States, which should have both joined him against France, engaging in a contest with one another. Mr John Quincy Adams, son of John Adams, was at that time American Minister to Russia. In September, 1812, while Napoleon was at Moscow, Mr Adams was informed of the Czar's concern and of his desire to mediate between Great Britain and the United States. On learning of this offer, Madison sent Gallatin and Bayard of Delaware, a Federalist, to act jointly with Adams in any negotiation which might ensue. But England, though anxious to give no offence to Russia, could not permit one of the Baltic powers to mediate in a matter which concerned the rights of neutrals. The offer was therefore declined, and this same answer was returned to a

second offer of mediation. Lord Castlereagh, the British Foreign Minister, at the same time announced his willingness to negotiate directly with the Americans. But it was not until the summer of 1814 that the negotiators met for the first time. The American Commissioners meanwhile had been reinforced by the addition to their number of Henry Clay and Jonathan Russell. It seems probable that this moment to begin negotiations was chosen by the British government in the belief that the events of the campaign of 1814 would make the Americans more pliable and more willing to surrender territory along the Great Lakes. But the retreat of Prevost and the defence made by Brown at Fort Erie put an end to any hope of an accession of territory, and the negotiation was suddenly brought to a conclusion. The treaty, which was signed at Ghent on December 24th, 1814, was emphatically a treaty of peace, in that it settled none of the questions about which the war ostensibly had been waged. Impressment was not even mentioned in it, and the fall of Napoleon had done away with the continental system. Furthermore, the American right to the fisheries and the British right to the free navigation of the Mississippi, both of which had been discussed in the course of the negotiation, were left for future settlement. News of the peace and of the repulse of Pakenham at New Orleans reached Washington at the same moment. The latter served to make the treaty more palatable. Everywhere the rejoicings were loud and from the heart.

The Hartford Convention, 1814-15.

Indeed, it was time that the war was ended, for commissioners from several New England States were then at Washington to lay proposals before the government, which looked to a dissolution of the Union. New England had borne its full share in the war. This can easily be seen from a brief statement of the contributions of Massachusetts and Virginia. The former contained in 1810, the census year, about seven hundred thousand inhabitants.

Virginia is credited in the same census with nine hundred and seventy thousand inhabitants, including five hundred and fifty thousand negro slaves. The two States were represented in Congress by twenty and twenty-three members respectively—that being also the basis of the apportionment of direct taxes; and it was supposed to represent the relative strength and capacity of the two States. Furthermore, Massachusetts contributed four times as much money to the support of the war as Virginia. She furnished more men to the United States armies than Virginia, North Carolina, and South Carolina combined—more men indeed than any State except New York. But the war was unpopular in New England, and the leading men there, mostly of the Federalist party, had no confidence in the administration. At the suggestion of the Federalist chiefs, who seem to have adopted Madison's Virginia Resolutions of 1798 as their text, delegates met at Hartford (December 1814—January 1815) and adopted a proposition to permit the New England States to retain the proceeds of the national taxes collected therein for the purpose of paying State armies. The convention further laid down, in words which must have sounded unpleasantly familiar to Jefferson and Madison, that the States must be the judges and execute their own decisions when the federal government exceeded its powers, on the ground that there was "no common umpire." Never was a political revolution more ill-timed. The treaty of peace was then on its way to America, and six days before the Hartford Convention adjourned, General Jackson won the Battle of New Orleans. The Commissioners, sent to Washington to arrange for the division of taxes, hurried home amid the jeers of the Republican press. The administration at once leaped into great popularity.

Results of the War.

The War of 1812 settled two great questions within the United States. For the first time in its history, the American people in 1815 realized its nationality. The party favourable to England lost

credit even in its stronghold. After 1815 the Federalist party steadily declined until in 1820 it cast not one electoral vote. Since 1815 the United States has held resolutely aloof from foreign complications, and the American people, which up to that time had been interested in European affairs, seemed suddenly to lose all interest in them. They ceased to be provincial and viewed affairs thenceforward from a national standpoint. The War of 1812, therefore, has been often and correctly called the Second War of Independence.

The war left the United States in a very critical condition so far as the finances were concerned. The revenue of the federal government was derived almost entirely from duties on imports. During the last few years of embargo, non-intercourse, and war, there had been hardly any goods imported and in consequence the revenues of the government had seriously diminished. Congress during those years had been singularly inefficient and had refused to pass any effective measures for restoring the credit of the government. With the return of peace, new forces at once came into existence. Importations were made on a large scale and Congress consented in 1816 to re-charter the United States Bank for twenty years. The same year saw the passage of the first of a series of tariffs designed to protect the makers of textile goods, and Madison retired from office in 1817 leaving affairs in a most satisfactory condition. His successor was James Monroe, of Virginia, who during the last few years had been the most prominent man in the cabinet.

End of Madison's Administration.

The old issues which had divided parties were now extinct. The younger Republicans had adopted nationalist principles without losing their popular instincts. The older Republicans, discredited by the failure of the embargo policy and abandoned by their leaders, were obliged to follow the majority of the party. The Federalist party was hardly more than a faction during Monroe's

The "Era of Good Feeling."

first term, and was practically extinct by the time of his second inauguration (1820). This period of cessation from party strife is known as the "Era of Good Feeling." In times of political stagnation personal intrigue takes the place of party action. So it was in this case; but fortunately it is not necessary to describe any of these intrigues until we approach the election of 1824.

Monroe's Administration, 1817–25.

Monroe was well fitted to lead the nation in the peaceful times now approaching. With ordinary abilities he combined a large experience in affairs both at home and abroad. He had shown, too, strength to resist unwise popular demands and a capacity to rise above a mere desire for personal popularity. He had more sense of dignity than Jefferson, or even Madison, and he brought back to public life a part, at least, of the decorum of Washington's time. Like the first President, Monroe made progresses through the country and in this way did something to bring the Federal government before the eyes of the people and at the same time to win their love and respect. The difficulties of his time were mainly with the outside world, with the rebellious Spanish American colonies, with Spain, and with Great Britain. The relations with the last-named power were still far from cordial, but they were more friendly than at any other time since 1775.

Relations with Great Britain.

The Treaty of Ghent was hardly more than a basis for further negotiation. In 1815 the two countries entered into a commercial convention which afforded slight relief as to the West India trade, but contained an important provision to secure the abolition of discriminating duties and charges in either country against the other. This convention was limited to four years, but was extended for ten years longer in 1818. As to the fisheries, some of the rights claimed by the United States under the Treaty of 1783 were surrendered as the price of a recognition of the permanent character of the rest. The northern boundary of the

United States was fixed at the forty-ninth parallel between the Lake of the Woods and the Rocky Mountains. An attempt was made to reach some agreement with a view to the suppression of the slave-trade; but, owing to the sensitiveness of the Americans as to the exercise of the right of search, no arrangement was made until many years later.

The seizure of West Florida in 1810 and 1812 has been already mentioned. Since that time the United States had sought with great pertinacity to purchase East Florida from Spain. But that monarchy, though too weak to govern the province itself, refused to sell it to the United States. Smuggling was constantly carried on over the boundary line, and the United States found it very difficult to keep the Southern Indians in order without pursuing them across the frontier. In 1818, General Andrew Jackson followed a hostile band over the border, and finding that the Indians received aid from the Spanish settlements, he captured two of them, St Marks and Pensacola. He also executed two British subjects, Arbuthnot and Ambrister, who seemed to be intriguing with the Indians against the United States. The government, at the moment, was engaged in negotiations for the purchase of Florida. It did not approve Jackson's conduct, and handed the captured posts back to the Spanish authorities. John C. Calhoun, then Secretary of War, asserted at a cabinet meeting that Jackson deserved to be court-martialled for disobedience. Many years afterward, the revelation of his attitude at this time brought about a rupture between Jackson and Calhoun, which had the most important results to Calhoun and to the American people. Henry Clay endeavoured in Congress to have Jackson brought to account for his arbitrary proceedings in Florida, and his hostility to Jackson also caused Clay much annoyance in later years.

Jackson's Florida Campaign, 1818.

Jackson's raid really furthered the negotiation which John Quincy Adams, Monroe's Secretary of State, was then carrying

on. Spain at last consented to sell what she could not defend, and in 1819 a treaty was signed at Washington. By this treaty, Spain abandoned all claim to the Floridas and to all territory north and east of a line running up the Sabine River and thence in an irregular manner to the Rocky Mountains in latitude 42°, and along that parallel to the Pacific Ocean. The United States, on its part, abandoned the claim to Texas, and agreed to pay five million dollars to its own citizens on account of Spanish spoliations. This treaty was not ratified by Spain until 1821, being held suspended, as it were, over the United States to secure its good behaviour in the Spanish colonial crisis then prevailing. Jackson was appointed Governor of Florida, and gruffly took possession in July, 1821, imprisoning the Spanish governor because he would not hand over the records to the new master.

The "Florida Treaty," 1819.

The people of the United States had watched the long struggle between the Spanish colonists and the Spanish government with great interest. These colonies had rebelled (1808) originally against the Napoleonic *régime* in Spain. Returning to their allegiance upon the restoration of the old monarchy, they had again rebelled when their restored masters re-imposed the Spanish colonial system. The matter now had reached a stage at which it seemed desirable for the United States to act, but beyond recognizing the rebels as belligerents the government did not go at that time. In March, 1822, Monroe recommended Congress to recognize the belligerent colonies as independent states. This was done (May, 1822) by the appropriation of money to defray the expenses of diplomatic missions to "the independent nations" on the American continent. The United States thus led the way in the recognition of these new peoples. The next year (1823) the "Holy Alliance" seemed to be about to interfere in the contest in the interests of Spain. Russia also chose this time to begin the colonization of the western shores of

The "Monroe Doctrine."

North America. The closing of the Spanish American ports to foreign commerce would greatly interfere with the foreign trade, not of those colonies or states alone, but of the United States and of Great Britain as well. The interests of the two English-speaking nations were one. Mr George Canning was once more at the head of the British foreign office, owing to the suicide of Lord Castlereagh. Adopting for the moment a most conciliatory tone, he asked Mr Richard Rush—then American Minister at London—if it were not feasible for the United States and Great Britain to act together in opposing this project of the "Holy Alliance." The time was not yet ripe for such co-operation, but the two governments acted in harmony. In his Seventh Annual Message (December, 1823), Mr Monroe used the following language, whose import was unmistakable:

"The occasion has been judged proper for asserting, as a principle in which the rights and interests of the United States are involved, that the American continents, by the free and independent condition which they have assumed and maintain, are henceforth not to be considered as subjects for future colonization by any European powers.

"We owe it, therefore, to candour, and to the amicable relations existing between the United States and those powers [the members of the 'Holy Alliance'], to declare, that we should consider any attempt on their part to extend their system to any portion of this hemisphere as dangerous to our peace and safety. With the existing colonies or dependencies of any European power we have not interfered, and shall not interfere. But with the governments who have declared their independence, and maintained it, and whose independence we have on great consideration and on just principles acknowledged, we could not view any interposition for the purpose of oppressing them, or controlling in any other manner their destiny, by any European power, in any other light than as

the manifestation of an unfriendly disposition toward the United States."

Canning's policy.

These famous sentences, which have immortalized Monroe's name, and given him a place in American history which he did not otherwise attain, were the embodiment of previous statements and of a policy well established at that time in America. Monroe's courageous act in declining Canning's overtures and defying the "Holy Alliance" single-handed merited the renown which has ever since attached to the enunciation of the Monroe Doctrine. Mr Canning, on his part, caused the French government to be informed that the use of force by the "Holy Alliance" would at once lead to the recognition of the independence of the Spanish colonies by Great Britain. The projects of the "Holy Alliance" fell dead. With this matter the old international policy of the United States may be said to have terminated. At almost the same time, the internal struggle over protection and the extension of slavery, which was to dominate the politics of the next half-century, began.

The Missouri Compromises, 1820-21.

Like so many important events in the world's history, the contest as to the limitation of slave territory, which began at this time, was largely due to accident. Mason and Dixon's line, separating the slave and the free States in the East, ran sixteen miles south of the fortieth parallel. By the Ordinance of 1787, the Ohio River formed the northern limit of slave territory in the district between the Alleghanies and the Mississippi. The course of that river is to the south of west, and it joins the Mississippi River in about the thirty-seventh degree of latitude. Louisiana, acquired in 1803, contained two centres of population, New Orleans and St Louis. Slavery prevailed in the Province of Louisiana as in all Spanish colonies. The country dependent on New Orleans was admitted to the Union in 1812, under the

name of Louisiana, as a slave State, without any objection being raised on that ground. In 1819 the question of admitting Missouri, as the country dependent on St Louis was now named, came before Congress. The southern limit of the proposed state of Missouri was 36° 30′ north latitude, the northern limit about 40° 30′, and it was separated by the Mississippi from the free State of Illinois, which had been admitted to the Union in 1818. Some persons in the North thought that slavery should not be permitted at all in territory acquired at the expense of the nation. Others thought that the southern boundary of Missouri (36° 30′ north latitude), which would be practically an extension of the Ohio River line, should be a line separating the Louisiana Purchase into free and slave territories. The matter was further complicated by the fact that slavery existed in Missouri. What should be done with the slaves already there? How could they be set free without loss to their masters or cost to the nation, or without disturbing the social conditions of the proposed State? The problem was a difficult one to solve. The slave-holding representatives cared much more about the matter than the northern members, and a compromise was arranged. By this settlement (1820) Missouri was to be admitted as a slave State, but slavery was "for ever" prohibited in the remainder of the Louisiana Purchase lying north of thirty-six degrees and thirty minutes, the southern boundary of the new State. When, however, the constitution of Missouri came before Congress in the next year (1821) it was found to contain a clause forbidding the entrance of free blacks to the State. As the Constitution (under the interpretation then put upon it) guaranteed certain rights to the citizens of the United States, the clause could not be allowed to stand. This matter too was compromised by Congress admitting Missouri under the proposed constitution, with the proviso that no interpretation should ever be placed on that clause which should in any way diminish the rights of citizens of

the United States. These Missouri Compromises postponed the conflict with the slave power for a whole generation and thus may be considered to have been justifiable.

Monroe's first administration was in many respects the most successful in the history of the country. He was re-elected President in 1821 without opposition, receiving two hundred and thirty-one of the two hundred and thirty-two electoral votes. The one odd vote was thrown away by a New Hampshire elector, who was determined, so runs the story, that no one save Washington should enjoy the honour of an unanimous election. As to Monroe's successor there was no such unanimity of opinion.

The Election of 1824.

When one speaks of the "Era of Good Feeling" one thinks more particularly of the people as a whole. Among the leading politicians there was no good feeling at all. Monroe had gathered about him four of the ablest men in the country: J. Q. Adams, Secretary of State; W. H. Crawford, Secretary of the Treasury; J. C. Calhoun, Secretary of War; and William Wirt, Attorney-General. The first three of these aspired to succeed Monroe at the end of his second term. Two other men, Henry Clay of Kentucky and Andrew Jackson of Tennessee, also decided to be candidates. Crawford was the most active of them all. He was a skilful intriguer, and turned the Treasury department into a strong political machine. To aid him in this business he secured (1820) the passage of an Act limiting the tenure of civil offices to four years. This enabled him to drop from the Treasury all officials who were unfavourable to his pretensions. His action marks the beginning of the systematic use of the Federal patronage for party purposes. Crawford was recognized by a factional congressional caucus as the "regular" candidate for the presidency. Calhoun abandoned his presidential aspirations for the moment to accept an assured election to the vice-presidency. Adams was put forward as a candidate by the New England legislatures; and Clay, in a similar manner, was

nominated by the legislatures of five States, including that of his own State. Jackson was nominated by two State legislatures, those of Tennessee and Pennsylvania. He represented in his own person the honest hard-working masses; and to the amazement of nearly everyone, received more electoral votes than any other candidate. As he had not attracted a majority, however, the election went to the House of Representatives, which was confined in its choice to the three candidates who had received the largest number of votes. Clay stood fourth on the list, and therefore could not be chosen. He had many friends in the House of which he was Speaker, and, using his influence in favour of Adams, that candidate was elected. There was no constitutional reason to prevent the Representatives from electing whichever of the three highest candidates they chose—although now-a-days public sentiment would probably require the choice of the first on the list. There is no reason whatever for supposing that Adams and Clay made any bargain. It was unfortunate, however, that Adams offered Clay the position of Secretary of State, and that Clay accepted the office. There are always persons who insist on finding evil motives for the actions of great men. John Randolph was one of these, and he lost no time in denouncing what he termed "a combination of the Puritan and the black-leg." Jackson on his part stated his opinion of the matter when he declared that Clay was "the Judas of the West." The close of Monroe's administration was in every respect the end of the "Era of Good Feeling."

John Quincy Adams was an honest, upright statesman; but the story of his administration (1825–29) is melancholy and soon told. It began in a cloud caused by charges of "corruption and bargain," which were never proved. They were constantly reiterated until even those who knew them to be false must have begun to doubt the evidence of their own senses. The

J. Q. Adams's Administration, 1825–29.

first Congress of Adams's administration was lukewarm, the second was decidedly hostile. The public suspicions were kept on the alert by constant and causeless inquiries and investigations into the actions of public officials. Everything that Adams proposed was proposed either too soon or too late. He suggested in general terms a vast system of internal improvements. This was displeasing to the Southerners, who were now turning away from a national policy and beginning to formulate the doctrine of "States-Rights." Even in matters of foreign policy, Adams's own peculiar province, everything went amiss.

Foreign Relations.

Among other proposals of the time was one for a Congress of all the American Republics to be held at Panama. This did not originate with the United States, but that government was naturally asked to send delegates to the meeting. The Southerners, fearing lest slavery might be discussed there, opposed the scheme. Nevertheless, delegates were sent, and the Congress proved a flat failure. Nor was Adams's conduct of the relations with European powers more successful. A series of accidents resulted in the closing of the British West India ports to American vessels. Gallatin was sent to England to negotiate on this business, but Canning curtly declined to discuss it at all.

Adams's home policy.

The only important legislative achievement of the four years was the passage of the Tariff Act of 1828, which will be described in the next chapter. But this Act, which was very distasteful to the South, only weakened Adams still more. Had he been unscrupulous, he might have organized the government service into a strong party "machine." But he steadily refused to use the government patronage for his personal advancement. Bearing all these facts in mind, it is not strange that Adams was defeated in the election of 1828. It is remarkable, however, that he received as many electoral votes then as in 1824.

The campaign of 1828 was fought with a bitterness and intemperance only equalled by that of the campaign of 1800. Jackson's canvass was managed by Martin Van Buren, of New York, a skilful and unscrupulous politician, and by a few of Jackson's personal friends. The charges of corruption and fraud were made over and over again, and Adams was held up to scorn as a President who had not been elected by the people. It was well understood that Jackson was a man "who stood by his friends," and those who worked in his interests felt reasonably sure of some reward. Adams's canvass was managed by Clay, and the contest seemed to be a conflict between Jackson and Clay rather than between Jackson and Adams. In the end, it was found that while Adams received as many votes as he had before, the electoral votes which in 1824 had been given to Jackson, Crawford, and Clay, were now all given to Jackson, who received one hundred and seventy-eight votes out of a total of two hundred and sixty-one. Calhoun was re-elected Vice-President by a somewhat smaller vote than that given to Jackson.

The Election of 1828.

CHAPTER VIII.

DEMOCRACY.

Importance of Jackson's Election.

THE election of General Jackson to the presidency was the most important event in the history of the United States between the election of Jefferson in 1800 and that of Lincoln sixty years later. Madison, Monroe, and John Quincy Adams belonged to the Jeffersonian school of statesmen who, while holding liberal views, yet represented in their education and habits of thought the older and more courtly type of statesmen of which Washington was the most conspicuous example. Jackson, on the contrary, was an indigenous product of the American soil. Vigorous, and absolutely without fear, he was a born leader of men. The Jeffersonian theory aimed rather at the establishment of state democracies, while Jackson's mission was the founding of a national democracy. The succession of Secretaries of State to the chief magistracy was rudely interrupted by the elevation of a man of the people to that office. It will be well to examine with care the condition of the country at an epoch which is so important from a political point of view, and one which was also midway between the downfall of federalism and the abolition of slavery.

The total population of the country had increased from a little over five and a quarter million souls in 1800 to nearly thirteen millions, in 1830. The area of the United States

had increased during the same period from eight hundred and fifty thousand to over two million square miles. Of the total population, more than two millions were negro slaves, and about three hundred thousand were free negroes. The white population, therefore, was something over ten and one-half millions. The tendency toward town life becomes fairly apparent during this period, owing to the increasing importance of manufacturing and commmercial pursuits. The inhabitants of New York City had increased from sixty thousand in 1800 to two hundred and three thousand in 1830—the increase in the last decade (1820–30) being eighty thousand. The other large cities were Philadelphia, with one hundred and sixty-seven thousand inhabitants, Baltimore with eighty thousand, and Boston with sixty-one thousand. New Orleans, containing forty-six thousand souls, was the only city of any size south of the Potomac and Ohio Rivers. Charleston, Savannah, Richmond, and Norfolk had not increased in proportion to the total populations of the several States in which they were situated; while, on the other hand, Cincinnati on the northern bank of the Ohio was already a flourishing town of twenty-four thousand inhabitants.

Distribution of population.

The total population had more than doubled in thirty years, but this increase was unevenly distributed. In 1800, the free inhabitants had been divided between the North and the South in the proportion of twenty-five to thirteen. In 1830, regarding Missouri and all territory to the southward of 36° 30′ N.L. and west of the Mississippi as belonging to the South, and preserving to the east of that river the old dividing line, it is found that the proportion of free population in the North to that in the South was about the same as in 1800. But the South had maintained her position only through the acquisition of Louisiana and the Floridas and the rapid settlement of the lands bordering on the Gulf of Mexico. The tendency of slavery to limit population

Analysis of the population.

can be easily ascertained from a study of the figures relating to the original thirteen states. In 1800, the free whites in the North, omitting now those living west of the Alleghanies, had outnumbered those of the South by nearly two to one; in 1830 they outnumbered them by five to one. The introduction of some improvement in transport, or the encouragement of Northern manufactures, or both in combination, might give the free North in a few years a population outnumbering the free population of the Southern slave States all told, five to one, and the fate of slavery would be sealed. The Missouri Compromises postponed the conflict until the introduction of steam gave the people of the North an easy means of transport, and also imparted a great impulse to manufactures.

Changes in the structure of society.

Since 1800 the structure of society had undergone a radical change. Virginia, dominant in 1800, was of no more importance in 1830 than half-a-dozen other States. The race of statesmen who were at the ame time philanthropists and philosophers had come to an end. It is indeed lamentable that nearly every means employed by them for the regeneration of Virginia only hastened its decline. Jefferson, by his Act abolishing entails (1776), and Madison and Henry by their disestablishment of the Episcopal Church (1776–1800), contributed to the destruction of the old aristocratic framework; and they substituted nothing in its place. Had they been able to abolish slavery, the history of Virginia would surely have been very different in the years following 1830. They were not able to accomplish that, and Virginia became the great slave-producing State. The South was now led by the representatives of the cotton growers of the region south and south-west of Virginia. Their best customers, especially after 1811, were the spinners of western England, and thus there came about a trade alliance, so to speak, in which the affiliations of 1830 were completely reversed. The South now was friendly to Great Britain, and the

people of New England, competing with the British manufacturers, were opposed to their former friends. New England, like Virginia, seemed to be on the decline. The sudden cessation of war throughout the world, in 1815, brought her shipping at once into competition with the shipping of other nations, and her factories were closed by an avalanche of goods sent over from England and sold for whatever prices they would bring. The people emigrated from New England in large numbers and settled in the fertile regions of western New York and of the new States north-west of the Ohio. In other ways a great change had come over New England. The religious monopoly hitherto enjoyed by the Congregational Church was now fast yielding to the liberal tendencies embodied in Unitarianism. A speedy revival of thought was the result of this breaking down of old barriers.

Early canals.

The opening of the Erie canal in 1825 was the beginning of a vast system of improved means of communication. This waterway, connecting the Hudson and Lake Ontario, gave the great north-west an outlet to the sea. The cost of transporting a ton of grain from the Great Lakes to the seaboard at once fell from one hundred dollars to ten. The canal paid for itself in a few years, and made New York City the great distributing centre of the United States. The people went mad on the subject of canals. All manner of possible and impossible schemes were at once put into execution. The most remarkable of these later canals was the Chesapeake and Ohio Canal, designed to connect the tide-water with the great interior waterways. John Quincy Adams threw the first spadeful of earth, and by his display of physical vigour, enjoyed the only moment of popularity during the course of his unfortunate administration. These canals were worked by horse power, and were most of them failures, for the times demanded the employment of a more rapid agent.

The steam-boat had already taken a prominent place as a

means of transport. The monopoly, which Fulton and Livingston sought to establish of the former's invention, had been declared unconstitutional, and the building and operating of vessels propelled by steam had become free to all. Great advances were made in the building and equipping of these boats. Special types were designed for lake and river, and the use, the reckless use, of the steam-boat became universal. What with canal-boat and steam-boat, one could travel through the settled portions of the country with only slight and occasional recourse to the stage-coach. The steam-boat, however, soon found a rival in the steam locomotive.

Early steam-boats.

The Liverpool and Manchester Railway, opened in 1830, at once found imitators in America. In three years time, three hundred and eight miles of railroad were in operation in the United States. The most notable of the earlier railway enterprises was the Baltimore and Ohio. Begun not long after the Chesapeake and Ohio Canal, and with the same end in view, the road builders passed the canal diggers at Harper's Ferry. The original road was one hundred and fifty miles long, and is believed to have been the first single railroad of that length to be built. At the outset, these roads were designed to connect towns already in existence. Afterwards the railroad generally was built first, giving the means of settlement to a new section of the country, and then transporting the produce of that region. As a rule these roads were built in the flimsiest manner, as rapidly as possible, and afterwards improved as fast as financial conditions permitted. In this way, the railroad was the most important agent in the settlement of the newer States. But it was not until after 1850 that this part of its mission was undertaken on a great scale. It is an interesting fact that of the thirty railroads first projected only three, and those three short lines, were designed to be built South of the Potomac. Finally, the use of anthracite coal in

Early railroads.

warming houses, and of illuminating gas for the lighting of streets and houses altered in many respects the whole indoors life of the urban population of the North.

The "reign" of "Old Hickory," as his friends delighted to call General Jackson, began with a most indecent mob reception, given at the White House on the night of the inauguration. For weeks and months thereafter, the executive mansion was thronged by office-seekers. "To the victors belong the spoils" was now the watchword. Jackson removed office-holders who had not shouted lustily for him; but even if a clean sweep had been made, he could not have satisfied the demands of his adherents. He did what he could, and left as a legacy to the nation a vicious mode of using the civil service which has blackened his memory to all time. Jackson represented the radical tendencies of the Republican Party, as Adams and Clay stood for its conservative tendencies. At first, their adherents were known respectively as Jackson-men and Adams-men. Soon, however, names were applied which more nearly represented the two shades of opinion. The Jackson-men called themselves Democratic Republicans, and the Adams-men formed the National Republican Party. Gradually both factions forgot their Republicanism, the former became the Democrats of a little later time, the latter were absorbed into parties with new designations.

Beginning of the Spoils System, 1829.

The first great political contest of Jackson's administration arose on the question of financial policy. In 1816, a moderate protective tariff had been passed to help the manufacturers to tide over the dull period which followed the close of the war. Protection breeds protection. The manufacturers obtaining some aid demanded more, and received it in an amended tariff passed in 1824. Nothing satisfied their craving for protection, and they clamoured for still more. In 1828 a new tariff act was passed

The South and the tariff.

which is known as the "Tariff of Abominations" from the exorbitant protection it gave to a few branches of manufactures. This contest over the tariff produced some astonishing results, as unexpected as they were important. In the first place, the remnant of the Federalist Party disappeared, as the New England manufacturers, in order to carry their desires into law, needed the votes of the Republicans. In the second place, an alliance between the East and the West was entered into, which lessened the power of the South in the national councils. This alliance was brought about somewhat as follows. The protective tariffs produced more revenue than the ordinary needs of the government required; and partly to conceal this fact, it was proposed that the national government should undertake many "internal improvements" calling for large expenditures. This system, under which the revenue derived from taxes imposed for the purpose of stimulating home industries, was applied to the opening of new lines of internal communication, conferred great benefits on the North. The South reaped slight advantage from it, and it bore severely upon the South's best customers—the English manufacturers. In 1818 mutterings of discontent over the new policy were heard in South Carolina. The Southern members of Congress, however, occupied a peculiar position in regard to the Tariff of 1828. Many of the "abominations" had been inserted in the bill by their votes. They had pursued this policy in the hope that the bill might be made so outrageous that it could not pass. The Southerners were mistaken, and the bill, abominations and all, became law. Precisely how much injury, if any, this tariff would have inflicted on South Carolina has never been ascertained. Nor is the question an important one. There undoubtedly was a sense of grievance, and John C. Calhoun and other South Carolina leaders regarded this as a good opportunity to formulate the "State's-Rights" doctrine of "State interposition," even to the nullifying, or rendering of no legal effect, Acts of the National

Congress. This idea was not a new one in any way. It had been set forth by Jefferson in 1798 and by the legislators of Kentucky in 1799. More recently (1804–1815) it had been advanced in a somewhat modified form by the New England Federalists. It may be regarded, therefore, at this date, as the theory of the weaker party, but it had the approval of both of the great parties existing at the time of the organization of the government. It was now to be pushed to its logical conclusion by the South Carolinians. The first encounter, however, between the new forces of nationalism and those supporting the revived separatist theories of the Confederation epoch, took place on another subject.

Webster and Hayne.

In 1830, Senator Foote of Connecticut introduced a resolution of inquiry as to the method of disposal of the public lands. The Southerners thought that the moment had come when the alliance between the West and the East might be destroyed. Calhoun, as Vice-President, could not take part in the debate; but Senator Hayne, of South Carolina, who frequently acted as Calhoun's spokesman, undertook the task. He attacked New England with great vehemence, endeavouring to represent that section as wishing to check the growth of the West. Daniel Webster, of Massachusetts, replied in a speech which shattered every argument that had fallen from Hayne. Angered and mortified beyond restraint, Hayne returned to the attack. In his second speech, he drifted far away from the subject in hand, and laid down in a clear and lucid manner the Calhoun theory of nullification. In his magnificent rejoinder, Mr Webster set forth what may well be called the modern theory of the Constitution—namely, that it was in no sense a compact, but an instrument whereby the "people of the United States" formed a strong centralized government, with ample power to enforce its rights; that for a State to resist the enforcement of a law was revolution if it succeeded, rebellion if it failed. The right

of revolution was acknowledged by Mr Webster, and is the very root of the American theory of government. But the Calhoun doctrine seemed to him to imply that one could revolt, and at the same time continue to be a good citizen. Mr Webster's argument was historically unsound. When the Constitution was made in 1787–89, it was considered in the light of a grand political experiment—the State governments, on the other hand, were established facts. Nevertheless, Webster's argument expressed the true basis of the Constitution in 1830, and ever since; for those who stood behind Webster in 1830, undoubtedly regarded the central government not merely as an established fact, but as paramount to the States. This was due, of course, in great measure, to the success which had crowned the Federal organization; and, it was also due, in part, to the fact that the inhabitants of the new States, settled after 1789, never could have the same sentiment toward their State as did the people of the States which had existed before the formation of the government under the Constitution. Hayne represented the forces and ideas of the past, Webster the ideas and tendencies which were to be predominant in the future.

Jackson's position.

Nothing daunted by this repulse, the Southern leaders pressed on, and soon received a blow from an unexpected quarter. They had regarded President Jackson as at one with them on questions of "State's-Rights." Jackson believed that the Constitution should be strictly construed—except, perhaps, where his own powers were concerned. He had no sympathy whatever with separatism. Attending a dinner to commemorate the services of Thomas Jefferson, he astonished the company, which was assembled in the cause of "State's-Rights," by proposing as a toast: "Our Federal Union: it must be preserved." At nearly the same time, Jackson became aware of Calhoun's statement, made in the cabinet in 1816, that he, Jackson, deserved to be

tried by a court martial for his proceedings in Florida. Jackson had always supposed that Calhoun had sustained him at that time. This, of course, made the shock the more severe. There was little mercy for the nullifiers at the hands of the executioner of Arbuthnot and Ambrister; there was absolutely nothing bright in the political future of John C. Calhoun, so far as it depended on Andrew Jackson.

Nullification, 1832–33.

Recognizing the justness of many of the objections urged against the tariff of 1828, Congress passed an act in 1832 which substantially re-enacted the much milder tariff of 1824. But this did not in any way mollify the South Carolina malcontents. They held a State Convention (November, 1832) which declared that the Acts of 1828 and 1832 were null and void, and prohibited the payment of duties under those laws, after February 1st, 1833. Jackson was not slow to make reply, nor was his meaning difficult to understand. He issued a Proclamation (December 11th, 1832), in which he declared that "the laws of the United States must be executed..... Their [the nullifiers'] object is disunion, and disunion by armed force is treason." He also asked Congress for increased power to enforce the laws. South Carolina met with no favouring response from her sister State. Virginia, pretending to act in the somewhat extraordinary guise of "mediator" between the national government and a State, advised South Carolina to suspend the "Nullification Ordinance." The Convention was no longer in session, nor was the State legislature, but it was evident that Jackson was in earnest. The South Carolina leaders, therefore, held an informal meeting, and nullified the voice of "the people of South Carolina in Convention assembled," by suspending the operation of the Nullification Ordinance (January 31, 1833), before any resistance had been made to the Federal laws. There is something ludicrous in a constitutional theory which empowers one party to a compact

(supposing the Constitution to have been a compact) to overrule the wishes of the other twenty—or, supposing the theory to be still (1894) tenable, of the other forty-three partners in the agreement. There is something ridiculous in a coterie of politicians presuming to overrule the will of the people, and to settle the fate of a nation or nations at an irregular meeting.

Jackson re-elected President, 1832.

The election of 1832 had been held in November of that year. Jackson had been re-elected President by two hundred and nineteen votes out of a total vote of two hundred and eighty-eight. South Carolina was the only Southern State which had voted solidly against him, although a majority of the electoral votes of Maryland were given for Clay. That statesman—the candidate of the National Republicans—received forty-nine votes. Calhoun had lost his place in Jackson's regard, and in the affections of the party, and Van Buren became the Democratic candidate for the Vice-Presidency. He was elected and presided over the deliberations of the Senate, which had recently refused to confirm him as Minister to England. The election of 1832 is memorable, as being the first time that party conventions were held to nominate a candidate for the Presidency. It was also at this time that resolutions embodying the principles of a party were first drawn up and issued as the "platform" on which a party candidate was supposed to stand. These changes were inaugurated by a new party—the first political organization to base its claims to power on the ground of a single idea. This was the Anti-Masonic Party, which originated in a movement in New York against the Freemasons. The charge that a former Freemason had been murdered because he had revealed the secrets of the Order was never met by that body to the satisfaction of the public, and was the ostensible ground for the party's existence. In reality, the anti-Masonic movement was the result of a feeling of unrest and dissatisfaction with the existing organizations. In

this party were several young men destined to play prominent parts in national politics, among them William H. Seward.

The end of Nullification.

Jackson seemed to feel that his triumphant re-election was in the nature of a mandate from the people to proceed against the United States Bank, and to coerce South Carolina. The latter business was as a matter of fact compromised. Two bills were passed in succession: one, the Force Bill (March 2, 1833), gave Jackson the powers he needed to enforce the laws; the other, which passed the next day, was the panacea which Clay thought best suited to preserve the Union. It was a compromise tariff, providing for a gradual reduction of duties, during a period of ten years, to the general level of the tariff of 1816. The Nullifying Convention of South Carolina met again (March 11, 1833), and formally repealed the Nullification Ordinance, and passed another, nullifying the Force Bill. It has long been a question as to which party came out of this struggle victorious. On the one hand, South Carolina procured the repeal of the tariff acts of which she complained. On the other hand, no actual resistance was ever offered to the United States; no law was actually nullified, and nullification never became embodied in the constitutional practice of the country. Some writers think that if there had been no compromise, the Calhoun school of theorists would have been taught a lesson by Jackson, which would have prevented the Civil War. Others assert that South Carolina was really beaten in 1832–33, and to justify themselves, point to the fact that the tariff of 1842 was not nullified. But these are speculations with which the historical student really has nothing to do. In the matter of the Bank, at all events, there was no compromise.

Removal of the deposits.

The Charter of the Second Bank of the United States was to expire in 1836. At one time its affairs had fallen into confusion, but in 1830, and for some years previously, it was well managed under

the direction of Nicholas Biddle, its President. Besides this great national bank with its numerous branches, there were innumerable State banks chartered by the State legislatures. Many of these State banks were political institutions, managed in the interests of this or that political clique. The odium aroused by the mismanagement of these banks reacted upon the United States Bank. Undoubtedly Jackson was sincere in his belief that the latter was a great political machine, and for this conclusion there seems to have been some reason. The cause of the Bank was championed by Jackson's rival, Henry Clay, who showed as poor judgment in this case as he had shown years before, when he accepted a seat in Adams's cabinet. In 1831, five years before the charter would expire, he forced an issue upon the granting of a new charter. Both Houses of Congress passed a bill for this purpose which was vetoed by Jackson, and Clay's majority in Congress was not sufficient to pass it over the President's veto. The election of 1832 had been fought partly on this issue, and Jackson felt that the voters approved the policy embodied in his veto. There can be no doubt that the Bank had taken part in this campaign, nor can there be any dispute that the power exercised by the President of the Bank was dangerous to the country, or, at least, easily might become so. It was solvent, however, and unless something should occur out of the ordinary course, it was likely to continue solvent. Nevertheless, Jackson determined to cease depositing the public funds in the Bank and to draw out gradually, in the ordinary course of business, the funds already on deposit, amounting to some nine million dollars. Under the Act incorporating the Bank the power to do this belonged to the Secretary of the Treasury and not to the President. Jackson experienced some difficulty before he found a Secretary to do his bidding. Indeed he drove two Secretaries from office before a third appointee, Roger B. Taney, of Maryland, proved willing to take the responsibility. The so-called "removal of the de-

posits" extended over a period of six months, and was therefore not so harsh a measure as the phrase would seem to imply. In the Senate, where the opponents of Jackson were in a majority, this action was denounced with great vehemence by Clay and Webster. The Senators even went so far as to pass a vote of censure on the President. This drew from Jackson a most caustic protest, in which he laid down the theory of the absolute independence of the three great departments of the government. A few years later, the vote of censure was expunged from the Journal of the Senate. The public funds were then deposited in certain specified State banks—popularly known as the "pet banks." The efforts of the Bank of the United States to protect its credit, and to meet the drafts of the government, necessitated the calling in of loans; and a dangerous scarcity of money occurred before affairs settled themselves on the new basis. At the expiration of its charter, the Bank secured a charter from the Pennsylvania Legislature, and continued in existence as a State bank.

Jackson's foreign policy was as vigorous as his action in domestic affairs, and as triumphant as Adams's had been unsuccessful. Van Buren, the Secretary of State, veiled the iron hand of his master in the velvet glove of an astute politician. The dispute with England, which Jackson had inherited from his predecessor, was easily settled. Canning died in 1829, and, in the Ministry which succeeded his short administration, Lord Aberdeen, ever conciliatory, took the foreign portfolio. Congress passed an Act enabling the President to declare void certain laws, which bore heavily on British commerce, whenever Great Britain should withdraw her restrictions. Negotiation was thus made easy, and the matter was soon settled in a way satisfactory to the United States. With France, Jackson had more trouble. For years, successive governments had endeavoured to induce France to pay for Napoleon's unjustifiable spoliations of American

Jackson's foreign policy.

commerce since 1803. In 1830, the Revolution of July placed Louis Philippe and Lafayette at the head of affairs. A treaty was signed the next year by which the French government agreed to pay five million dollars in settlement of these claims. It proved to be a very difficult matter to secure the payment of the money, and at one time it seemed as if war was imminent between the two countries. In a game of bluster Jackson had no superior, and he had also the capacity to strike hard, which one does not ordinarily associate with bluster. France finally paid the money in 1835. Jackson furthermore secured the settlement of long-standing disputes with Denmark and with Spain, while nations like Austria, which up to this time had held aloof, seemed to recognize in "Old Hickory" and the people at his back, a nation with whom it would be well to be on friendly terms.

Financial policy.

In other financial concerns besides the Bank, Jackson enjoyed great present success, although he bequeathed a heavy burden to his successor. On January 1st, 1835, the last instalment of the National Debt was paid, and the American people, alone of modern nations, stood wondering at the thought of having neither principal nor interest to pay. In point of fact, the matter was exceedingly embarrassing; for the Compromise Tariff Act of 1833 prevented the reduction of duties, except in the manner therein specified. The government was collecting much more money than it could spend on current expenses, and it was difficult to find a constitutional means of escape. The government could not hoard the money as it does now-a-days, because the independent treasury system had not then been devised; and no one advocated depositing larger balances with the "pet banks." The surplus might have been used to make internal improvements had not taxation, for such a purpose, been against one of the cardinal maxims of Democratic constitutional interpretation. Finally, it was decided to loan the surplus above five millions to the States in proportion to their representation

in Congress. The money was to be "deposited," but no one expected it ever would be demanded of the States, and this phrase was selected to avoid the constitutional objection that Congress had no power to raise money by taxation to pay over to the States. Three quarterly payments were made under this act in 1837, and then the government found itself obliged not merely to cease "depositing" money with the States, but to borrow money itself to pay current expenses.

The apparent success of Jackson's financial policy led to disaster. The "pet bank" scheme resulted in the formation of a vast number of banks eager to share in the spoil; and the overthrow of the United States Bank, as a great controlling financial institution, removed the only conservative force which could have restrained speculation. A period of "wild-cat banking" set in. "Rag-money" was poured out by these institutions as fast as the presses could supply it. The currency became disreputable. Jackson, acting on his own responsibility in this instance, as in the case of the Bank, issued a "Specie Circular" in 1836, directing that nothing save gold, silver, and notes of specie-paying banks should be received in payment for the public lands. This affected especially the banks in the more recently settled portions of the country, but it greatly helped to overturn the credit system everywhere. Money suddenly became very dear, loaning rates being as high as twenty-four per cent. The price of the necessaries of life also increased enormously. Every one, however, went on with his speculations, and Jackson left office in March, 1837, before the crash, proclaiming his belief in the efficacy of his "Specie Circular" to set all things right.

The Specie Circular, 1836.

Jackson's successor as President was Martin Van Buren, formerly his Secretary of State and more recently Vice-President. Van Buren had risen to political power by the employment of methods similar to those which had given Burr his political strength. He was

Van Buren elected President, 1836.

regarded by his contemporaries as a self-seeking office monger, and was held responsible for most of the evil acts of Jackson. There was some reason for this belief, as Van Buren, in order to win the Democratic nomination, had accepted responsibility for Jackson's acts in promising to carry on his policy. It seems probable, however, that Van Buren had not regarded the political proscription of the early years of Jackson's administration as justifiable, and had done something to mitigate its severity. But he was obliged to bear the blame for the financial collapse of 1837, and for the rascality which then came to light on the part of many of Jackson's appointees.

The "Sub-treasury" scheme.

The panic of 1837 had no counterpart in the annals of the United States up to that time. The State banks failed, among them the "pet banks," which held public funds to the amount of some nine million dollars at the time of their bankruptcy. The United States issued treasury notes to tide over the crisis; but what could be done with the moneys received by the government? Van Buren, himself, seems to have conceived the plan of an independent government treasury, apart from the financial institutions of the country. Three times the plan was voted down in Congress, but in 1840 it was passed in an amended form. This act provided for the construction of vaults at Washington and at other important points in the country. At these places the public funds should be received, held, and paid out on the proper authority. From this latter feature of the plan, it is generally known as the sub-treasury scheme. This was the only important act of Van Buren's administration. His firmness and constancy on this and other points of financial and administrative reform made him unpopular. The Democratic party was regarded as responsible for the panic, and was discredited by the corruption discovered in many branches of the government service. A new party had meantime come into existence calling itself Whig, to distinguish its reforming tendencies from what was regarded as

the Toryism of the Democrats. All the factions opposed to the Democrats gathered under the new standard. Of this party, Clay was the ablest man, but he was at this time unpopular, and a Whig convention nominated William Henry Harrison, the "victor at Tippecanoe," for President, on no platform except that of opposition to Democratic Van Burenism. For Vice-President, they nominated Tyler of Virginia—a lifelong Democrat—in the expectation that he would attract Democratic votes. "Tippecanoe and Tyler too" proved to be a popular battle-cry. With ill-timed spite, a Democratic leader asserted that if Harrison were given a log cabin and a barrel of cider he would sit down in contentment and cease to trouble the Democrats. The gibe was at once assumed as a mark of honour, and Harrison became the log-cabin, cider-drinking candidate. On the other side it was asserted that Van Buren sat in stuffed chairs and ate out of gold spoons—in short, that he was an aristocrat. The campaign was fought on these lines. Log cabins were erected everywhere, and were carried on wheels by long processions of men shouting lustily for "Tippecanoe." There has been nothing like the campaign of 1840, before or since. Harrison was elected by two hundred and thirty-four electoral votes to only sixty given to Van Buren.

Death of Harrison, 1841.

General Harrison was a sincere honest man of sixty-nine. He seems to have felt himself to be an exponent of real democracy against the aristocracy which had masqueraded under that name during Van Buren's tenure of office. He therefore placed himself at the disposal of all who wished to see him. His supporters thronged to Washington in search of offices, some of them even sleeping in out-of-the-way corners of the White House, that they might be the first to greet the General in the morning, and thus better their chances for a place. The constant pressure bore heavily on the old man. He caught cold and died on April 4th, 1841, just one month after his inauguration to his high office. For the

first time in the history of the country, a Vice-President, John Tyler, of Virginia, became President, by reason of the death of his chief.

Tyler's administration.

Tyler's sympathies were with the Democrats rather than with the Whigs, and it soon became apparent that he did not intend to be domineered over by Clay and the other leaders of the party. Congress met in May, and Clay produced an elaborate plan of legislation. The first bill to pass the two houses was one to repeal the Independent Treasury Act of 1840. To this Tyler assented. But when the proposal to establish a new National Bank came up, he was firm in his refusal to permit any legislation of the kind. He vetoed two acts in succession—the latter of which was drawn up to meet suggestions of his own. The Whig leaders were furious, and read him out of the party. The Democrats would not act harmoniously with him, and the singular spectacle was presented of a President without a party, and a successful party unable to carry its policy into effect. Two other measures in Clay's programme were carried through Congress and assented to by the President. One of these provided for the payment to the States of the proceeds of the sales of public lands, but it was made nugatory by the addition that this should take place only when the tariff on imports should fall below twenty per cent. *ad valorem*, which it never did. The other measure was the Tariff Act of 1842, which considerably increased the duties as finally levied under the Compromise Tariff of 1833.

The Ashburton Treaty, 1842.

Harrison had gathered about him an able set of cabinet advisers, of whom Daniel Webster, Secretary of State, was the most prominent. They were at first retained by Tyler, but they all resigned save Webster at the time of the Bank veto. Webster alone remained to conclude important negotiations with Great Britain. The negotiators of the Treaty of 1783 had unwittingly agreed to a

boundary between the United States and the British Provinces on the north-east, which proved to be nearly impossible to determine on the ground. Each mile of it might almost be said to bristle with difficulties. After many fruitless attempts to settle the matter by direct negotiations, the two governments referred the dispute to the King of the Netherlands as arbiter. He decided (1829) in favour of neither party, but proposed a compromise—which he had no authority to do. Mr Webster and Lord Ashburton, the head of the Baring family, and now British Minister at Washington, agreed to a compromise. The United States gave way somewhat as to the boundary line of the State of Maine, and received an important strip in northern New York, containing Rouse's Point, which had been fortified by the Americans before an accurate survey had disclosed the fact that it was in reality north of the northern boundary of New York, and therefore in Canada. At the same time, extradition of specified classes of criminals was provided for, and a long series of negotiations looking toward the suppression of the African slave-trade was brought to a satisfactory conclusion. The point at issue in this case was the exercise by British naval officers of the right to search vessels flying the American flag in order to discover if they were slavers. Upon the question of right of search, the American public was very sensitive. The issue was now evaded by the conclusion of the "cruising convention," which obliged each nation to keep a squadron of a certain strength always cruising on the slave coast. Mr Webster having accomplished this, followed his colleagues out of office. The treaty was not well received in England by all parties. Some persons even called it the "Ashburton capitulation," in token of their dislike. It appears, however, that had Webster been correctly informed he need not have yielded as much as he did as to the north-eastern boundary of Maine.

The interest of American politics from this time onwards turns more and more on the constitutional struggle against the

extension of slavery and against the theory of secession. The Missouri Compromise (1820) had established a feeling in the country that the compromise line would separate for ever the territory devoted to freedom from that given over to slavery. The breaking of the compromise by the addition of a strip of western land to Missouri, in 1836, had not disturbed this feeling of confidence. Nor did the fact that several of the eastern Slave-states were north of the compromise line suggest that one day an effort might be made to increase the size of the region consigned to the slave-owners. Yet some attempt at the extension of that territory was inevitable. The surest and easiest way would have been to absorb new lands to the south-west, and perhaps also to add Cuba and other West India Islands to the United States. This extension of slave territory was necessary to the slave-power, as it was apparent that the control of all the branches of the national government might at any time belong to the people of the free States of the North, unless new domains were opened to slavery. Representation in the popular branch of the national legislature was based upon population—slaves being estimated at only three-fifths of their actual number, and presidential electors were apportioned according to the same ratio, with two additional electors for each State. The Senate offered the only security to the slave power, for there each state had two votes. Only by increasing slave territory or by adding to the number of slave States, could the South hope to retain control of even one branch of Congress and thus to prevent legislation hostile to slavery. The Census of 1840 showed clearly that the South was falling behind in the increase of population. This was due to the fact that slave labour was suitable only to agriculture and also tended to keep out the free immigrants from Europe, who, almost without exception, either remained in the manufacturing and commercial centres of the North, or settled in the agricultural regions of the West. Southern statesmen, therefore, cast about them for new territory

Beginning of the struggle over slavery.

to annex to the United States that would be suitable to slavery. In this way their attention was directed to Texas.

In 1821 Mexico had revolted from Spain and formed a federative republic. Later Texas, the most north-eastern province and the one nearest the United States, revolted in turn from Mexico. The settlers of that province were largely from the United States. Led by Samuel Houston, of Tennessee—a friend of Jackson's—they defeated the Mexicans under Santa Anna, on the San Jacinto, and organized the Republic of Texas (1836). The independence of the new nation was recognized by the United States and by some other powers in 1837. Texas almost immediately sought admission to the American Union. But the attempt to bring this about was certain to arouse dangerous contentions, and Jackson and Van Buren had declined the earlier overtures. Tyler, himself a slave-owner, viewed the matter more favourably, and negotiations ripened into a treaty of annexation, which was submitted to the Senate for ratification in 1844. It failed to secure the necessary votes, and was rejected. This was partly due to the clandestine manner in which the treaty had been made. The controversy proved to be the leading issue in the Presidential campaign of that year (1844). Many persons preferred to use the word re-annexation in place of annexation—implying thereby that the United States in absorbing Texas would be only taking territory to which she was justly entitled.

Annexation of Texas.

The Whig candidate for President in 1844 was Henry Clay, a slave-owner from Kentucky. He seemed to have two minds on the question of admitting Texas, writing letters of approval and disapproval, as if trying to compromise with himself on the matter. The Democratic candidate was James K. Polk, of Tennessee, who had been Speaker of the National House of

Election of 1844.

Representatives. He owned slaves and was outspoken in his desire for the admission of Texas. Tyler had intrigued for a re-nomination, but, conscious that he had no chance of being elected, he withdrew and Polk was nominated. Meantime a party, advocating the abolition of slavery, had sprung up in the North. It was known as the Liberty Party, and held the balance of power. Had the voters of this party supported Clay, he would have been elected. But they distrusted him and nominated a candidate of their own. They seem to have preferred a slave-owner who knew his own mind to one who did not, and by throwing away their votes on a third candidate assured the election of Polk. A joint resolution now passed both Houses of Congress, providing for the re-annexation of Texas, and extending the line of the Missouri Compromise through the new territory to be acquired. Three days before the expiration of his term of office, Tyler signed this law, and at once took the necessary steps to carry the plan into execution. It was not until the middle of April, however, that the final arrangements were made, and Polk was then President.

The Mexican War, 1846–48.

A question immediately arose as to the true western boundary of Texas. Was Texas to be confined within the area assigned to her as one of the States of the Mexican Republic, or was her true western limit the Rio Grande, the limit of the old French and Spanish district denominated Texas? The state of Texas and the United States contended that the Rio Grande was the true frontier, and this, as a matter of fact, was the limit of Texas when sold by Spain in 1800, and by France three years later. President Polk ordered General Zachary Taylor, commander of the United States army in the South-west, to advance to the Rio Grande, adding that if the Mexicans should attack him there, he should at once cross the river into Mexico. Taylor advanced, the Mexicans ordered him to return, and these

orders not being complied with they attacked and, after some blood had been shed, captured a small detachment of the American army (April 23rd, 1846). This enabled the President to assert that "War existed by the act of Mexico," and Congress accepted the issue thus raised. The Mexican War which followed was in reality an attack on a weak nation by a strong one. The American armies in the field, however, were nearly always greatly outnumbered by their opponents, who also enjoyed all the advantages of fighting on the defensive. The American soldiers, consequently, won renown by the splendid fighting qualities they displayed, and the chief commanders acquired great military reputations. There were two lines of operations, one being a continuation of Taylor's forward movement. With this campaign are associated the names of the victories of Palo Alto, Resaca de las Palmas, and Buena Vista (February, 1847). These victories made General Taylor a successful candidate for the Presidency; they did not convince the Mexicans, however, that the claim of the United States to their Northern provinces must be allowed. That conviction could only be forced upon them by the capture of their capital, the City of Mexico. This task was entrusted to General Winfield Scott—the senior officer of the army, and one of the few men who had won an enduring reputation in the War of 1812. Landing on the Mexican coast (March, 1847), near Vera Cruz, he captured that seaport and then began a long march to the interior, following, in general, in the footsteps of the Spanish Conquistadores of the early part of the sixteenth century. He swept aside a Mexican force which tried to check his advance at Cerro Cordo, and passing by the mighty peaks of Orizaba and Popocatepetl, entered the valley of Mexico. The splendid victories of Contreras, Churubusco, Molino del Rey, and Chapultepec (September, 1847) placed the City of Mexico within his power. On February 2nd, 1848, a treaty was signed at Guadalupe Hidalgo, which, with unim-

portant changes, was ratified by the Senate of the United States and by Mexico. By this treaty, the United States acquired a clear title to Texas as far as the Rio Grande, to New Mexico, and to California—which had been seized by American military and naval forces. For these great acquisitions the United States gave Mexico (1) peace, (2) fifteen million dollars, and (3) a promise to pay some three million dollars more to American citizens who held claims on the Mexican government. Later, in 1853, the United States purchased from Mexico a strip of land between the Rio Grande and the Colorado River. These acquisitions, including Texas, added about eight hundred and seventy-five thousand square miles of land to the area of the United States. During Polk's administration, also, the frontier of the United States in the North-west was settled substantially as it exists to-day.

The Oregon Treaty, 1846.

The region west of the crest of the Rocky Mountains and north of the forty-second parallel was called Oregon. The northern limit of this region was vague and its ownership unsettled. The title of the United States to Oregon was shrouded in such obscurity as only diplomatists care to penetrate. It was composed of many elements: (1) the discovery of the Columbia River by an American citizen, (2) the assignment of whatever rights Spain still had by the Florida Treaty of 1819, (3) contiguity to Louisiana, (4) exploration and occupation resulting from the ownership of Louisiana. It was not contended that any one of these elements constituted a valid title, but it was argued that taken together they formed a better title than could be advanced by any other nation. The only other power which pushed its claims to this region was Great Britain. The governments of these two countries could not agree as to partition, and they determined to occupy the region in common as long as the joint occupation seemed to be advantageous to both nations. This condition of affairs continued from 1818

to 1845. During the earlier years of this period, the British fur-trading companies preponderated in Oregon. Later on, American colonists, with their families, had passed the mountains and settled in the fertile river valleys. As in the original settlement of the country, the English settlers had driven out the French trappers, so in Oregon the American emigrant farmers drove away the Canadian and English fur-traders. The boundary between Canada and the United States from the Lake of the Woods to the Rocky Mountains was the forty-ninth parallel. The United States, for some years, had been willing to extend that line to the Pacific, thus yielding to Great Britain the territory between forty-nine and fifty-four degrees and forty minutes of north latitude—the latter line being the recognized southern boundary of the Russian province of Alaska. The adoption of the forty-ninth parallel as the boundary between American and British territory, besides giving to the United States the mouth and the greater part of the basin of the Columbia River, would also give it the southern end of Vancouver's Island, and the control of the southern channel connecting the sounds between that island and the continent with the ocean. To this Great Britain would not consent, and the Americans reverted to their more extensive claims. In 1845, the war spirit ran high in the United States. "All Oregon, or none," and "Fifty-four forty or fight" became the cry. For awhile it seemed as if the United States would be obliged to wage war with Great Britain and Mexico at the same time. Joint occupation of Oregon was terminated by the act of the United States. More peaceful counsels prevailed, however, and it was arranged by treaty, in 1846, that the boundary between the United States and Canada should be the forty-ninth parallel, as far as the channel separating Vancouver's Island from the mainland, and should then follow the middle of that channel to the Pacific Ocean. There was some dispute as to which channel was the

one meant by the negotiators of the treaty of 1846, but this contention was arranged by arbitration in 1871—the German Emperor acting as arbitrator and deciding in favour of the United States. The more difficult question as to the division of these great acquisitions between slavery and freedom remained to be settled.

CHAPTER IX.

THE EXTENSION OF SLAVERY, 1849–1861.

THE Missouri compromises settled the question of slavery extension for many years, and at the same time made the division between the slave and free sections more permanent. But the issue involved in that contest had hardly been set at rest when other questions turning on slavery arose. The people of the North, for the most part, were busily employed in acquiring wealth. The northern merchants and manufacturers agreed with the southern slave-owners in a desire to leave the whole subject of slavery undiscussed and undisturbed. There are to be found, however, from time to time, in all parts of the world, earnest souls whose consciences will not permit them to blink at what seems to be wrong, no matter how their material interests may be affected by their actions. Such an one was William Lloyd Garrison. In 1831, while nullification was threatening to disturb the peace of the country, he began at Boston the publication of a paper devoted to the abolition of negro slavery and called "The Liberator." The South Carolina politician was satisfied with nullification—as a first step at least; the Massachusetts agitator clamoured for no union with slave-owners, and denounced the Constitution as "an agreement with Hell." In the same year that Garrison

The Anti-slavery agitation.

began the publication of "The Liberator," a slave insurrection broke out in Virginia under the leadership of Nat Turner. There was no connection between the two events, but the Southerners became wild with excitement. The legislature of Georgia offered a reward of five thousand dollars for Garrison's arrest and conviction, and not a copy of "The Liberator" could be openly sold south of the Potomac. Incitement to murder in the South had its counterpart in mob violence in the North. Garrison was locked up in the Boston jail to protect him from the rioters, and William Ellery Channing, publishing a tract against slavery, was deserted by the greater part of his congregation. The matter soon became an affair of national importance owing to the lack of wisdom displayed by the Southern leaders in trying to prevent the presentation of anti-slavery petitions to Congress. John Quincy Adams, the ex-president, was now a member of the House of Representatives. He led the battle for freedom on this issue of the right of petition, and gained for himself a place in the history of the United States as honourable as it is unique. The murder of an abolitionist newspaper editor, named Lovejoy, brought to public notice one of the most splendid orators of all time, Wendell Phillips. At a meeting held in Fanueil Hall, Boston, he rebuked "the recreant American," who in the interest of the slave-holders had "slandered the dead." The abolition movement seemed to be losing strength, however, when the acquisition of Texas, New Mexico, California, and Oregon brought the nation once again face to face with the problem of the extension of slavery. Once again, under the lead of Henry Clay, the nation flinched and strove to avoid the issue by compromise.

Settlement of California.

Oregon was situated so far north that all parties seem to have agreed to extend to that territory the principles of the Ordinance of 1787 as to slavery. With regard to California, the case was different.

That territory extended far to the south of the line of the Missouri Compromise. Before the Treaty of Guadalupe Hidalgo had been concluded, a workman on Colonel Suter's mill-race, near the site of the present city of Sacramento, noticed a few bits of gold in the earth taken from the trench. Slight exploration confirmed the discovery, and a small package containing the precious metal was sent to Washington and there placed on exhibition. Then followed a movement such as the world had never witnessed before in historic times. Over land and over water, the gold-seekers thronged to California. A majority of these early pioneers, "the forty-niners," were northern men and themselves laboured for the gold. Between February, 1848, and November, 1849, more than eighty thousand emigrants entered the country. In the latter month they held a convention, drew up a State constitution prohibiting slavery, and applied to Congress for admission to the Union as a free State. Congress thus was forced to come to some decision as to the disposal of the territory acquired from Mexico.

The "Wilmot Proviso," 1846.

General Taylor was now (1849–50) President, having been elected by the Whig Party in November, 1848. He was a Louisiana sugar planter and the owner of a hundred slaves, and was the father-in-law of Jefferson Davis, one of the Senators from Mississippi. President Taylor, at the time of his inauguration, seems to have believed the Northern anti-slavery men to have been the aggressors. He soon discovered that the aggression was on the other side. Moreover, he fell under the influence of William H. Seward of New York, one of the anti-slavery leaders in the Senate. Taylor determined to hurry California and New Mexico into the Union as free or slave states, as the people of each region might determine. When Congress met, however, Clay worked out a plan for a compromise which would settle all the pending questions which in any way involved slavery, in the interests of conciliation and good

feeling. The precise motives which actuated Clay at this time have been much debated. Some writers have asserted that a jealousy of Taylor, his successful rival, was the leading motive, and others have suggested that he really believed that secession on the part of the slave States was imminent. The accuracy of the insight of those who believed that the Union was really in danger in 1850 has however been impugned. No matter what was the cause of Clay's action, it is certain that the discussions which it aroused greatly increased whatever bitterness of feeling there may have been. This contest had been somewhat forestalled by the attempt of the anti-slavery men to devote these new territories to freedom before they were acquired. This they endeavoured to accomplish (1846) by attaching to the bill appropriating money to enable the President to buy land from Mexico, a proviso that slavery should be forbidden for ever in any territory acquired from Mexico. This was known as the Wilmot Proviso because it was introduced by David Wilmot of Pennsylvania. The bill was defeated at the moment owing, curiously enough, to the fact that the clocks of the two Houses did not agree, so that the Senate did not take action until after the House had finally adjourned; the bill thus failed to pass at that session. The appropriation was made a short time afterwards, without the proviso. The extremists in the North were determined that sooner or later the policy embodied in the Wilmot Proviso should become the law of the land. The Southern extremists were determined to break up the Union, if it were passed into law. General Taylor, with rare insight, recognized that the easiest way would be that the people of the proposed States should settle the matter before the politicians could meddle with it. Clay, however, took possession of the subject and proceeded to dispose of the whole matter in his own way.

Clay's compromise scheme included the simultaneous

settlement of eight questions in the following manner: (1) California to be admitted as a free State; (2) New Mexico and Utah to be organized as territories, without any reference being made as to slavery; (3) and (4) the claims of Texas to portions of New Mexico to be extinguished by a money payment by the United States to Texas; (5) slavery *not* to be abolished in the District of Columbia; (6) the slave-trade to be prohibited within that district; (7) an affirmation to the effect that Congress has no power over the inter-state slave-trade; and (8) the passage of a workable fugitive slave law. In the course of the debates to which these resolutions gave rise, four speeches were made which well show the different phases of public opinion at the moment. The first was delivered by Clay, "compromise incarnate," as he has been well termed by a modern writer. He was now an old man and a thrice disappointed candidate for the presidency. He was one of those slave-owners, of whom Senator Benton of Missouri was the best example, who preferred their country to their slaves. Of Clay's patriotism and sincerity there is not the slightest doubt, though the expediency of some of his actions may be open to question. He now could see no safety for the country except in "a union of hearts" to be brought about by mutual concessions. The issue, he argued, was one of sentiment on the part of the Northerners—of interest on the part of the Southerners. Sentiment he thought could be more easily overcome than interest, and, therefore, the Northerners, in the general bargain, must concede more than their opponents. This was the view of a Southern moderate. John C. Calhoun represented the Southern extremists. He was now at death's door, and died in fact within a few weeks of his speech. He was too weak to read aloud what he had written, and it was read to the Senate by another Southern Senator. Calhoun put forward no plan. The Union was doomed unless the South should have equal rights in the newly acquired

Clay's Compromise Scheme.

districts. He had no desire for local option, and regarded the action of the Californians as a piece of gross impertinence —the admission of that State would be equivalent to a notice that the North meant to overwhelm the South. He also demanded the passage of a fugitive slave law which would give the slave-owners power to exercise their constitutional right to reclaim their runaway slaves. Moreover, he thought that the North must put an end to all agitation looking toward abolition, and advised the passage of an Amendment to the Constitution embodying some machinery by which the South should for ever enjoy equal power with the North, no matter what the population and resources of the two sections might be. The third speech was made by Daniel Webster, of Massachusetts, on the 7th of March, 1850. It is always referred to as the "Seventh of March Speech," and created a most painful and profound sensation in the North. Webster declared for the compromise. He argued that slavery was "excluded by nature" from California and New Mexico. Why, then, put in a "Wilmot Proviso" as a taunt and reproach? These speeches were the work of men who were at the close of their careers. The fourth speech was made by one of the foremost of the younger men, William H. Seward. In 1848 he had stated in a public address, that "slavery can be limited to its present bounds; it can be ameliorated; it can and must be abolished, and you and I can and must do it." He now swept aside historical subtleties and constitutional precedents and declared "there is a higher law than the Constitution which regulates our authority over the domain and devotes it to the same noble purposes ['to union, to justice, to defence, to welfare, and to liberty']." This appeal to "the higher law" marks the beginning of the end of the period of compromise.

Meantime, Taylor had been managing the business in his own direct soldierly fashion, when, suddenly, in July, 1850, he died, and Millard Fillmore, the Vice-President and Seward's

rival in New York, became President. At once there was a complete change in the political horizon. Seward, who had been very strong owing to his influence with Taylor, lost all power in the administration. Webster became Secretary of State, and the compromise measures were passed, although not in the original form. California was admitted on her own terms; Texas received the promised price for her land; New Mexico and Utah were organized as territories, without any restriction as to slavery; the slave-trade was abolished within the precincts of the national capital; and a fugitive slave law was passed stringent enough to satisfy the Southern slave-holder.

The Compromise of 1850.

This last law was so severe, indeed, that it defeated its own objects. Among other things, the right to a jury trial to determine the question of ownership was denied, and the act was *ex post facto* in its operation. The authors of the bill forgot, however, that while a jury trial was denied to the reclaimed slave, it was not and could not be denied to the rescuer of the negro from the hands of the fugitive-slave hunter. Seward had stated in a speech, on this branch of the compromise, that a very mild fugitive slave law would be more efficacious than a severe one; but he had not been heeded.

The Fugitive Slave Act, 1850.

The slave-owners' agents now poured over Mason and Dixon's line to recover the property of their employers. It was found to be practically impossible to secure and retain possession of the coveted fugitives. These prosecutions attracted more attention to the slavery question in a few months than the abolitionists had been able to arouse in twenty years. The most respected and respectable men bore prominent parts in the rescue of the reclaimed fugitives. On the other hand, the United States Deputy Marshals were often drawn from the lowest strata of society. Mr Charles Sumner, of Massachusetts, expressed the

The attempts to enforce the Act.

popular feeling in a speech delivered in Fanueil Hall. The "public conscience," he affirmed, "will not allow a man who has trodden our streets as a free man to be dragged away as a slave." Sumner was soon afterwards elected to the United States Senate, where he and Hamilton Fish of New York, and B. F. Wade of Ohio formed with Seward and Chase a small but strong party, representing "the higher law," which rules the "public conscience." These same years (1850–52) that witnessed this uprising of the "public conscience" in the North witnessed the death of Calhoun, Clay, and Webster, and the return of Jefferson Davis to political life. It was then also that "Uncle Tom's Cabin" was published. This latter may well be regarded as a political event of the utmost importance, although its import was not discerned at the time. No other American book, perhaps no other work of fiction, has ever had the same degree of success as Mrs Stowe's "Uncle Tom." Three hundred thousand copies were sold within a year. The story was dramatized and placed on the stage, where it had an unprecedented success. It is not unlikely that the description of slavery is overdrawn in the sense that all the hardships and outrages therein set forth were seldom if ever felt by any one particular slave; the description of "Southern Society" also is defective. The most curious thing in the story of the book is the fact that it was extremely popular in the South. Whatever its merits or demerits, its ultimate influence was tremendous. The Northern boys who read "Uncle Tom's Cabin" in 1852–58 were the voters of 1860 and the soldiers of 1861–65.

The Election of 1852.

The signing of the Fugitive Slave Act has blackened the memory of Millard Fillmore in later days, but at the time it aroused little comment. He was the strongest candidate for the nomination of the Whig Party, and would have secured it, had not Webster's friends refused to co-operate with his. As it turned out,

General Scott was nominated, but he was defeated at the polls by Franklin Pierce of Vermont, the Democratic candidate. The latter received two hundred and fifty-four electoral votes against forty-two given to Scott. The result was unexpected, but is easily to be explained. Scott was a man of pretentious habits and was exceedingly fond of display. Ridicule always exerts great influence in politics, and the Democrats heaped ridicule on the old soldier. The real reason for his defeat, however, was a desire on the part of the people for rest from political strife, and a conviction that the Democrats were less likely to disturb the Compromise of 1850 than were the Whigs. In this the voters reckoned without the politician and were soon undeceived.

The foremost Democratic Senator from the North was Stephen Arnold Douglas of Illinois. In January, 1854, he introduced the measure which was known in its later stages as the Kansas-Nebraska Bill. The precise motives which led Mr Douglas to take this step have been the subject of much controversy. Some students think that a desire to conciliate Southern support in aid of his pretensions to the presidency was the leading motive; but this has been alleged against almost every prominent politician who has done anything out of the common run. Other writers think that some concession was necessary in 1854 in order to avert secession, and that Douglas, realizing this, hastened to meet the slave-owners more than half-way. The proposed plan provided for the organization of all of the Louisiana Purchase north of the Missouri Compromise line (36° 30′), and west of the States of Missouri and Iowa, into a territory under the name of Nebraska. It was designed that this territory should be admitted into the Union at some future time either as one State, or as several States—"with or without slavery as their constitution may prescribe at the time." This proposed territory lay north of the line of the Missouri Com-

The Kansas-Nebraska Bill, 1854.

promise which had "for ever forbidden" slavery north of the southern boundary of Missouri and west of that State. Mr Douglas maintained, however, that the Missouri Compromise had practically been repealed in 1850, and that his bill merely proposed to extend the principle of local option or "squatter sovereignty," as it was now termed, to the settlement of the slavery question in the territory acquired in 1803, as it had been applied in 1850 to the settlement of the dispute in the territory acquired from Mexico. The measure as finally passed provided for the establishment of two territories, Kansas and Nebraska, instead of one as had at first been proposed.

Debate on the Kansas-Nebraska Bill.

Public opinion was aroused as it never had been aroused before. Douglas was an able debater and a skilful manager. Chase, Seward, Sumner, and Wade were brilliant men, but they had few followers. The bill passed the Senate by thirty-seven votes to fourteen. It subsequently passed the House of Representatives, and became law with the consent of President Pierce. A few sentences culled from the speeches made during the debate in the Senate will show better than any description the condition of public opinion on the slavery question in 1854. Douglas reproduced the argument contained in Webster's "Seventh of March Speech," "that slavery was excluded by nature," and asserted that it "was worse than folly to think of Nebraska being a slave-holding country." The conclusion was that the matter was of no great moment after all. Seward, however, did not agree with this, and asserted that "one slave-holder in a new territory, with access to the executive ear at Washington, exercised more political influence than five hundred freemen." Sumner, for his part, seemed to welcome the issue and declared: "To every man in the land, it says...'Are you for freedom or are you for slavery?' And every man in the land must answer this question when he votes." Some time after the passage of the bill, he stated that "it [the Kansas-Nebraska bill] annuls

all past compromises with slavery, and makes all future compromises impossible. Thus it puts freedom and slavery face to face and bids them grapple. Who can doubt the result?" Some of the leading opponents of the measure summed up their objections to it in an important document written by Chase and Giddings, an anti-slavery member of the House of Representatives from Ohio; Sumner and Gerrit Smith also afforded some assistance. The paper is known as the "Appeal of the Independent Democrats." In it, the bill is characterised as "a gross violation of a sacred pledge; as a criminal betrayal of precious rights..... Take your maps, fellow-citizens, we entreat you, and see what country it is which this bill gratuitously and recklessly proposes to open to slavery." As to the statement, contained in an amendment to the Kansas-Nebraska bill, that the Missouri Compromise was suspended and made inoperative by the principles of the legislation of 1850, a postscript to the "Appeal" declares this to be "a manifest falsification of the truth of history." There seems to have been some ground for the statement that the boon was in the nature of a gratuitous gift, and it also would seem probable that a few of the Southern leaders hesitated to accept it. Mr Rhodes, the historian of this period, in summing up the whole matter, writes in effect that the Kansas-Nebraska Act was the most momentous measure that had ever passed the United States Congress. It doomed the Whig Party and made the new Republican Party a no-slavery party. By arousing the passions of many influential persons, it prevented the further execution of the Fugitive Slave law. It made the German immigrants in the West Republicans. It lost New England to the Democrats, and made the great North-west Republican, and finally it led to the downfall of the Democratic Party.

The principle of "squatter sovereignty" or "popular sovereignty" on which Douglas relied to justify the bill,

was thus defined by him: "the people [of each state or territory] shall be left free to regulate their domestic concerns in their own way, subject only to the Constitution of the United States." Douglas's ablest opponent in Illinois was Abraham Lincoln, who had already served one term in Congress—entering the House of Representatives in the same session when Jefferson Davis first took his seat as Senator. Everything that Lincoln had said during those two years of his Congressional career was said from the heart and was worthy the man and his cause. He was not re-elected, however, and likewise failed to secure an office from the administration. He then returned to the practice of the law and achieved considerable success. Now re-entering political life with vigour and earnestness, he thus stated the weak point of the principle of "squatter sovereignty" as it was proposed to be applied in the new territories. "I admit," said Lincoln, "that the emigrant to Kansas and Nebraska is competent to govern himself, but I deny his right to govern any other person without that person's consent." Moreover, he affirmed that blood would be shed in the assertion of popular sovereignty and asked "Will not the first drop of blood so shed be the real knell of the Union?" Douglas confessed that Lincoln's masterly opposition gave him more concern than all the speeches made in the Senate.

"Popular Sovereignty."

The voters expressed their views of the Kansas-Nebraska policy in the election of a new House of Representatives in the autumn of 1854. The Democrats had a majority of over eighty in the Congress which passed the bill. In the Congress elected in 1854, they were in a minority of nearly eighty. Of the forty-two Northern Democrats who had voted for the bill, seven only were re-elected. The result of this election might have been even more decisive but for a contest then raging in

Congressional election of 1854.

some parts of the North, on the question of "the foreign element." The organization called forth by this contest was known as the Know-nothing Party because its members when questioned by outsiders as to their principles and methods, professed an entire ignorance.

The doctrine of "squatter sovereignty" may have been right in the abstract. It must be conceded that the Kansas-Nebraska Act, in providing no efficient means for ascertaining the will of the "squatter sovereign", was fatally incomplete. This was soon evident. The friends and the enemies to slave-extension at once prepared to occupy Kansas. The slave-owners seem to have regarded that territory as rightfully theirs, mainly because it was next to Missouri. But many earnest persons in the North were determined that Kansas should be free soil. They had wealth and mobility on their side. An emigration aid society was organized, and settlers were sent to Kansas promptly and in considerable numbers. The headquarters of the free settlers was the town of Lawrence, named in honour of Abbot Lawrence, a wealthy manufacturer of Massachusetts, who contributed largely to the expenses of the free colonization. The slave-holders were wealthy, but in a way not favourable to rapid movement. Their wealth consisted in lands and slaves. The lands could be sold or mortgaged, but either was a matter of time. But given the means, the migration of a slave-owner with his slaves to an unknown region, whose climate might prove fatal to the blacks, was an enterprise not to be lightly begun. One of the earlier slave-holders in Kansas was obliged to cut the firewood with his own hands to keep his slaves from freezing. This and similar experiences must have deterred many Southerners from emigrating. At all events, the majority of the *bona fide* settlers were favourable to freedom. To counteract their votes, hundreds of Missourians crossed the border into Kansas to vote. The upshot of the whole matter was

The struggle for Kansas.

that the Free-state voters refused to vote. The territorial legislature thus fell into the hands of the pro-slavery men; but the fraud and intimidation used to bring about this result, converted many to the anti-slavery side. The most prominent of these converts was Reeder, the territorial Governor appointed by Pierce. Indeed, three governors, sent out to Kansas as good Democrats, were speedily converted to Free-state ideas. The free settlers held a convention of their own, formed a constitution, and applied to Congress for the admission of Kansas to the Union as a free state. One of the speeches made in Congress at this time must be described at some length.

Sumner's Speech.

This was Charles Sumner's speech, which was afterwards printed under the title of "The Crime against Kansas." The entire proceeding in the Kansas business Mr Sumner regarded as "a crime without example in the records of the past." The speaker reflected in unmeasured and exasperating language on Senator Butler of South Carolina, and Senator Douglas, whom he likened to Don Quixote and Sancho Panza. Butler was further described as having chosen "the harlot Slavery" for his Dulcinea del Toboso. The whole speech showed to what depths a scholar can descend when thoroughly aroused. The sequel showed some of the effects produced by slavery on civilization. A few days after this speech was delivered, Preston S. Brooks, one of the Representatives from South Carolina, entered the Senate Chamber where Sumner was sitting at his desk busy with his papers. Standing over him as he was writing, and with scarcely a note of warning, Brooks struck him over the head with a large walking stick, and with all the skill and energy of a whilom cavalryman. The cane broke under the blow, when Brooks seizing Sumner struck him again and again with the end which remained in his hand, until, finally, his arm was arrested by a spectator. Sumner fell to the floor covered with

blood. The blows proved to have reached the spinal column. Sumner never recovered his full physical vigour, but the skilful treatment of Dr Brown-Sequard enabled him again to enter public life in 1859—his first speech in the Senate after this affair being on the "Barbarism of Slavery." Instead of rebuking Brooks, the Southerners received him as a champion, and his constituents returned him to Congress with only six dissenting votes. The students of the University of Virginia voted him "a splendid cane...with a gold head" in token of their admiration. In the North, the assault was regarded as cowardly, and Seward declared that "the blows that fell on the head of the Senator from Massachusetts have done more for the cause of human freedom" than all the speeches ever made in the national Congress. Five hundred thousand copies of the "Crime against Kansas" were placed in the hands of the people. Curiously enough, Sumner lived to see the emancipation of the slaves, while Butler and Brooks died within three years of the assault.

The Lecompton Convention.

Meantime, free emigrants rushed to Kansas in large numbers. There was much fighting between the two factions. Some of these affairs were disgraceful, such as the massacre of the slave partisans at Pottawotamie by a band led by John Brown, and the destruction of Lawrence by men of the pro-slavery faction. Ultimately, the contest was brought to a head by the action of a constitutional convention held at Lecompton. The delegates to this convention had been elected under a law passed by the territorial legislature, which the free-state settlers did not recognize as a legal body, and about one-third of the votes cast at the election were fraudulent. Nevertheless, the free-state people were induced to remain quiet by the promise that the constitution proposed by this convention should be submitted to the people of the territory for ratification. The question finally submitted to the voters, however, was not whether

Kansas should be a free state or a slave state, but whether it should be a state with unlimited slavery or with limited slavery. This trickery proved to be more than Douglas and many other Northern Democrats could bear. He broke with the administration, which, in its turn, attacked him with every means in its power. Douglas gained popularity in the North, where it was asserted that his doctrine of "squatter sovereignty" was right, since it had gained, or at all events, would gain Kansas to the cause of freedom. A general election was now near at hand, and efforts were made to effect a compromise of some kind. This took the form of an attempt to induce the people of Kansas to consent to the admission of Kansas as a slave state, in consideration of large additional grants of valuable land. A fair election was then held, and Kansas refused to enter the Union on these terms, by a vote of nearly eleven thousand to over two thousand votes.

Lincoln and Douglas.

In 1858, there occurred in Illinois one of the most fiercely contested political campaigns in the history of the United States, and one of the most important, in that it made Lincoln a prominent candidate for the presidency. Douglas's term of office as Senator from Illinois would expire in 1859. Lincoln determined to contest the seat in the interest of the new Republican Party. In his first address, he thus defined the issue, in language which startled the country: "'A house divided against itself cannot stand,'...I believe this government cannot endure permanently half slave and half free.... It [the Union] will become all one thing or all the other." He challenged Douglas to meet him in a series of joint debates, and Douglas consented. Seven debates were arranged for and held. No halls could be found large enough to hold the crowds who came to witness these battles of the giants. In the end, Douglas was returned to the Senate; but Lincoln had won a national reputation. The "house-divided-against-itself" doc-

trine, first enunciated by Lincoln, was reiterated by Seward in a speech which probably had more influence in forming Northern opinion than any other one speech made before the war. Seward said that between slavery and freedom "there is an irrepressible conflict... the United States must and will, sooner or later, become either entirely a slave-holding nation or entirely a free-labour nation."

The Dred Scott case.

The only political organization which now united the two sections—the free North and the slave-holding South—was the Democratic Party, and in 1859 the breach between the two wings of that party became irreparable. To comprehend the demands then made by the Slave-power, it will be necessary to go back to 1857, and glance at the decision of the Supreme Court in the Dred Scott case. Into the circumstances of this case we need not enter. It is sufficient to say that Dred Scott was, or, at all events, had been, a slave. The Supreme Court was then presided over by Chief-Justice Taney, who, as Secretary of the Treasury, had removed the deposits in Jackson's time. The decision was in effect (1) that a slave or the descendants of a slave had no standing in a United States Court; (2) that the Missouri Compromise, restricting the rights of the slave-owners in the national domain, was unconstitutional and hence null and void; and (3) that slave-owners could carry their slaves, as property, into any territory. Thus were the people of the North told by the highest interpreter of the Constitution that under that instrument nothing could be done for the slaves, and nothing could be done to prevent the occupation of the public domain by slave-holders.

The Slave-holders' demands, 1859.

In 1859, the Slave-power demanded the execution of the Constitution as interpreted by the Supreme Court. Senator Brown of Mississippi asserted that the slave-holders "have a right of protection for their slave property in the territories." Jefferson Davis, the other

Senator from Mississippi, went one step farther, claiming that slave property deserved a greater measure of protection than ordinary property, as it was subject to greater risks. "Adequate protection" must be given. That a very large measure of protection would be required to secure the prolonged existence of slavery was soon made evident by the intense excitement aroused by the publication and extended sale of Helper's *The Impending Crisis of the South: How to meet it*, and by the execution of John Brown.

Helper's *Impending Crisis.*

Helper was a "poor white" of North Carolina. His book was an arraignment of slavery from the point of view of a Southern free white labourer, and non-slave-holder. Among other things, Helper "longed to see the day when the negroes shall be removed from the United States, and their places filled by white men." If slavery should be abolished Helper thought that manufacturing might become an industry in the South. Then the small farmer would find a market for his produce in the thriving cities and towns, which would grow up about the mills as they had grown up in the North. The farmer's children would be educated, and the social position of the poor white raised to the level of the mechanics and farmers of the North. A gentleman who was then in Washington, and was for many years in active service under the government, and who enjoyed considerable opportunities for observation, says of this book that its publication did more than anything else to arouse the fears of the Slave-power. Mr Rhodes states the matter as follows: "Had the poor white been able to read and comprehend such an argument, slavery would have been doomed to destruction, for certainly, seven voters out of ten in the slave States were non-slave-holding whites." The little tract suddenly bounded into notice, its genuineness being attested by many Republican leaders. The Southern politicians were furious. They opposed the election of John Sherman as Speaker of the House, on the ground that

he had been one of those who had vouched for the genuineness of the pamphlet. "No man," said they, who had endorsed the book, "was fit to be Speaker of the House of Representatives."

John Brown came of good New England stock, and was imbued with the old Puritan idea that God was on the side of the successful soldier. He had conducted himself in Kansas in a manner which met with the strong disapprobation of many persons interested in the struggle against the extension of slavery. He suddenly appeared with a handful of men at Harper's Ferry, Virginia, at the confluence of the Shenandoah and Potomac Rivers. There was an United States Arsenal at that point, and Brown designed to seize the buildings and arms stored therein, and to use them for the purpose of arming the slaves. He seized the arsenal in the dead of night, and, at the head of nineteen men defied the United States and the State of Virginia. Brown was captured with all but two of his followers. On December 2nd, 1859, he was executed at Charlestown, Virginia, on a charge of murder and treason. "So perish all such enemies of Virginia," exclaimed Colonel Preston, as the body dropped through the trap of the scaffold, "So perish all such enemies of the Union! All such enemies of the human race!" The poet Longfellow, in his quiet study at Cambridge, Massachusetts, viewed the matter in a somewhat different light, and jotted down in his journal: "Even now, as I write, they are leading old John Brown to execution in Virginia, for attempting to rescue slaves! This is sowing the wind to reap the whirlwind, which will come soon." It is also interesting to observe the divergent opinions held by two men who bore prominent parts in the war for the Union, Lincoln, and the Massachusetts "War governor," John A. Andrew. The former stigmatized Brown's raid as "absurd"; the latter stated the opinion—which was soon to be held by

John Brown.

many men—that no matter how foolish the undertaking may have been, "John Brown himself is right." The man was raised to the level of a martyr, and singing his name, men marched into battle for the Union. Indeed, one cannot help speculating as to the sensations experienced by an onlooker of the execution, when, some three years later, a Massachusetts regiment, recruited by the son of Daniel Webster, and hence known as the "Webster Regiment," halted where the gallows once had stood, and poured forth that wonderful battle song, original with this regiment:

"John Brown's body lies a-mouldering in the grave,
But his soul goes marching on."

Disruption of the Democratic Party.

The Democratic National Convention met at Charleston, South Carolina, in April, 1860, to nominate a successor to James Buchanan, then President of the United States. The Slave-power demanded that the principles embodied in the Dred Scott decision should be adopted as the principles of the Democratic Party—that the national government should "protect slavery." The Southerners felt the moral reproach under which they were living, and asserted that the blame for this was on the shoulders of the Northerners. "In the progress of civilization," said Yancey, a delegate from Mississippi, "the North-west has grown...into the free proportions of a giant people. We [the South] therefore, as the minority take the rights...of the minority." "The proposition you make will bankrupt us at the South. Ours is the *property* invaded." "The honour of our children, the honour of our females, the lives of our men, all rest on you.... You acknowledged that slavery was wrong, but that you were not to blame. That was your position, and it was wrong. I say ...that your admission that slavery is wrong has been the cause of all this discord." The Northern Democrats, therefore, must assert that slavery is right. "Gentlemen of the South," replied a delegate, Senator Pugh of Ohio, "We will not do it." The

Democratic Party split in twain. The Southern extremists left the Convention, which was adjourned, to meet at Baltimore in June. But no agreement could be reached. The Northern Democrats nominated Douglas for President, and the Southern Democrats nominated Breckinridge, of Kentucky—at the moment occupying the position of Vice-President. The ultra-conservatives of all parties held a convention of their own, and nominated Governor Bell, of Tennessee, as the Constitutional Union Candidate. The Republican Party, which was composed of various discordant elements, and which had made its first presidential contest in 1856, nominated Abraham Lincoln for the office of President. Seward was a more prominent man in the party; but he had been long in political life, and had made many enemies. Lincoln was therefore a safer candidate, and was nominated for that reason and because of his presumed ability to carry several Western States.

The Demands of the Slave-holders, 1859.

The issues upon which the campaign was fought must be adverted to again. The last demand of the Slave-power was stated by Mr Gaulden of Georgia, in the following speech, which was received with approval by the Southern members of the Charleston Convention. Mr Gaulden stated his belief "that slavery is right, morally, religiously, socially, and politically. I believe that slavery has done more for this country, more for civilization, than all other interests put together. I would ask our Northern friends to give us all our rights, and take off the ruthless restrictions which cut off the supply of slaves from foreign lands." The position of the slave-owners in 1860 might be stated in a concise form as follows: Slavery is right, and we are unjustly accused of doing wrong; our slave property is expressly guaranteed by the Constitution—the Northern people must use its power to protect this property; as slavery is right and entitled to protection, it should be encouraged by the re-establishment of the slave-trade. The most interesting part of the Southern

case is the contention that it was the Northerners who had cast the reproach on the slave-owner. Lincoln and the Republican leaders asserted, and with the utmost sincerity, that they had no intention of interfering with the institution of slavery where it existed. The Republicans were entirely distinct from those Abolitionists, like Phillips and Garrison, who refused to exercise their constitutional right to vote. Indeed the Abolitionists properly so called, namely, those who, if they had the power, would abolish slavery, had made small progress in the last twenty years. The Republicans, however, were opposed to the further extension of slavery. On this question they stood firmly and squarely on the ground occupied by the fathers of the Constitution, and justly named themselves Republican. They maintained, as the men of 1787 had maintained, that slavery should be regarded as a State matter—that the voters of each State could decide at any time, and change their minds as often as they chose, whether their State should be a slave-labour State, or a free-labour State. They denied, however, that the National government should be used as a machine to extend slavery. The dissensions in the Democratic Party resulted in the election of Lincoln, the Republican leader.

Secession, 1860–61.

South Carolina, alone of all the States, adhered to the time-dishonoured practice of choosing presidential electors by vote of the Legislature. Having performed that duty in November, 1860, the Legislature remained in session until the result of the election should be assured. When it was known that Lincoln had been elected, it provided for the calling of a State Convention, to be held on the 17th of December (1860), next following. On the 20th of that month, the people of South Carolina, in Convention assembled, repealed the ordinance of the Convention of 1788 ratifying the Constitution of the United States, and declared the Union between South Carolina and the other States dissolved. The Convention also

issued a Declaration of Causes setting forth the reasons which had made this secession necessary. Before March, 1861, six other States: Mississippi, Florida, Alabama, Georgia, Louisiana, and Texas seceded. The people of these States seized the national property within the State limits, and only three military posts in the seceded States remained in the hands of the national authority when Lincoln took the oath of office on March 4th, 1861.

CHAPTER X.

THE WAR FOR THE UNION, 1861–1865.

The Causes of the Civil War.

THE documents, wherein the politicians of South Carolina attempted to justify her course, furnish at once the reason for secession and for the ultimate defeat of the South in the War. So far as governmental ideas were concerned, the leaders of public opinion in the South in 1861 occupied the same ground that their great-grandfathers had occupied in 1776. Volumes have been written expounding the arguments for and against state-rights. It is not necessary for the proper understanding of the points at issue in 1861 to go into these arguments. The Southern states which seceded first and last were, broadly speaking, agricultural communities. This fact had led to the introduction of slavery in the beginning, and slavery, once established, had prevented those communities from becoming other than agricultural. There was only one city of any considerable importance in the whole slave-holding section, south of the Potomac. This was New Orleans, which, in 1860, contained a population of one hundred and sixty-eight thousand. Moreover, its prosperity was due in great measure to the fact that it was, to a greater extent then than now, the *entrepôt* for the commerce of the Mississippi valley. The North, on the other hand, had developed into a country of

diversified interests, agriculture, manufactures, and commerce. The population was dense compared with that of the South. The city of New York alone contained eight hundred thousand inhabitants, and the population of Philadelphia was estimated at over half a million; while Baltimore, Boston, Brooklyn, Chicago, Cincinnati, and St Louis each contained over one hundred thousand souls. Moreover, throughout the North—with the exception of the newly settled North-west—there were to be found, every few miles along the lines of steam communication, thriving manufacturing and commercial towns, some of them like Cleveland, Albany, and Lowell approaching the dimensions of cities. Of the one hundred and seven cotton mills in operation, ninety-nine were in the North. The material interests of the two sections were therefore entirely unlike. The North had outgrown the economic conditions of 1776, and at the same time had developed a new set of political theories. The representatives of each section, as if unconscious of the true nature of the dispute, endeavoured to justify their positions by appeals to the Constitution and by arguments based on that instrument. Mr Lodge has shown the fallacy of this mode of reasoning in his comments on Mr Webster's "Reply to Hayne." He asserts that in 1787–88 "there was not a man in the country.....who regarded the new system as anything but an experiment entered upon by the States, and from which each and every State had the right peaceably to withdraw, a right which was very likely to be exercised." Gerry had stated the case very well at the time the constitution of the Senate was under consideration in the Federal Convention. He then said: "We are neither the same nation nor different nations. We ought not, therefore, to pursue the one or the other of these ideas too closely." The Constitution of the United States, therefore, permitted of development in either or in both directions. Farther on, in speaking of the Nullification episode, Mr Lodge says: "The times had changed

and with them the popular conception of the government." Between 1830 and 1860 the "times" had changed still more, and the conception of the nature of the federal government held by the mass of the people of the North in 1860 was substantially that which Webster had laid down in his great speech. They believed the United States to be a nation. The mass of the southern people held to the constitutional theories of Calhoun. Their idea of the nature of the general government may be gathered from the safeguards which the framers of the Constitution of the Confederacy placed around the States. In that document it is stated, for instance, that in the formation of the government each State "acted in its sovereign and independent character." In the Senate of the Confederacy, each State was represented by two Senators; but in certain cases, the votes should be taken by States and not by poll as is always the rule in the Senate of the United States. The State legislatures of the Confederate States possessed the right to impeach officers of the general government, and the process of amendment was simplified and made easy. On the other hand, the States of the Confederacy were limited in the exercise of the right to confer State citizenship.

Underlying Causes of the Civil War.

The Civil War was fought to determine which of these conceptions of the nature of the federal tie should be adopted as the true interpretation of the Constitution of the United States. As this interpretation is historically uncertain, we cannot speak of the war as a rebellion, for it was fought, so to say, to determine whether the seceders were rebels or not. Then, too, a movement on such a vast scale and extending over such a long space of time is something more than a rebellion—even when unsuccessful. Furthermore, the war was not begun to secure the destruction of slavery, although slavery was abolished as a result of the conflict. It may be regarded, however, from a southern point of view, as a war waged to

perpetuate slavery, since slavery was at the bottom of the social and material distinctions which separated the country into two irreconcilable sections.

A northern historical student, who has begun to study these matters since the close of the war, finds it difficult to understand why the southern leaders chose the occasion of Lincoln's election to put the secession theory into practice—especially as failure meant the establishment of nationalism. Lincoln had received an overwhelming majority of the electoral votes; but he had polled only a minority of the popular vote—the Republican ballots numbering one million eight hundred thousand to two million eight hundred thousand cast for the other candidates. Moreover, the Republicans were at first the smaller party in both Houses of Congress and were only placed in a majority by the withdrawal of the Senators and Representatives of the seceding States. Plainly, Mr Lincoln, the President of a minority and supported by a minority in Congress, had no mandate from the country to destroy southern institutions or to establish Republican theories of nationalism. So long as the Southerners remained in Congress, it would have been impossible for him to do these things or either of them. In point of fact, the Republicans could not have destroyed slavery so long as a condition of peace continued. The levying of war by the southern leaders completely changed the aspect of affairs. The Republicans gained control of Congress and the President became entitled to exercise his "war powers" as the constitutional commander-in-chief of the army and navy of the United States. Years before, John Quincy Adams had warned the slave-owners of their danger. "From the instant that your slave-holding States become the theatre of war," he said, "from that instant the war-powers of the Constitution extend to interference with the institution of slavery in every way." These words were uttered by ex-President Adams in

Lincoln's position, 1861.

1836. Recurring to the subject in 1842, he stated that in time of war, whether civil or foreign, municipal institutions give place to military authority. At such a time "so far from its being true that the States where slavery exists have the exclusive management of the subject, not only the President of the United States, but the commander of the army has power to order the universal emancipation of the slaves." The southern slave-holders were undoubtedly correct in believing that the moral sense of the people of the North was opposed to slavery; and that, therefore, the institution of slavery was doomed. It was this conviction that led to secession—the election of Lincoln was only the pretext.

Probability of a Compromise.

It is probable that very many southern leaders did not expect that separation would be of long continuance. They hoped to make better terms out of the Union than in it. The people of the North seemed to have reached the end of what might be called peaceable compromise; secession might bring about coercive compromise, so to speak. If Jackson had had his way in 1833, or had Taylor lived two years longer, the efficacy of this new instrument might have been earlier tested. The consequences of failure never seem to have presented themselves to the southern leaders. Probably they had never regarded failure as possible. The Southerners gave a new example of that condition of ignorance of the feelings and capacities of one's neighbours which is not unfamiliar to the student of European history. The people of the North and of the South, although living under one government, were wider apart than the peoples of many nations of modern times. On the surface, there seemed to be a basis for the confidence of the slave-holders.

The area of the United States devoted to slavery was greater than that dedicated to free labour. A cursory examination of the map, therefore, would seem to settle the question in favour of the slave-power. Slavery, however, was

incompatible with density of population; and a study of the Census of 1860 reveals the fact that of more than thirty-one million human beings who then inhabited the United States, only about twelve millions dwelt in the slave States. As a partial offset to this disproportion in population, the southern leaders expected that the people of the newly settled regions of the North-west would side with them, or, at least, would remain neutral. At the very outset, the seceders met with two great disasters: the North-west threw its whole strength on the side of union and all the slave States did not secede. The population of the seceding States was in this way about three and one-half millions less than that of the slave-holding States. Subtracting this number from one side and adding it to the other, it is found that the States which seceded contained less than nine million inhabitants to more than twenty-two millions living in the Union States. Moreover, of the nine millions dwelling in the former section about three and one-half millions were negro slaves. The free population of the Confederate States was only about five and one-half millions. The entire adult male white population of the seceding States was only two million seven hundred and ninety-nine thousand and the Federal government had on its muster rolls in May 1865 over one million men, exclusive of those serving in the navy. In this connection one more fact may be stated. There were only about three hundred and fifty thousand slave-holders in the whole country in 1860, and probably not more than two millions of white persons were supported directly by slave labour.

Population of the seceded States.

President Buchanan, a Democrat, occupied the position of chief magistrate at the time of the secession of South Carolina. He possessed constitutional scruples against coercing a "sovereign State"; and the possibility of coercing a Southerner seems not to

Buchanan's constitutional scruples.

have occurred to him. Nor was the doctrine yet invented which comforted many a northern Democrat later on—that the sovereign State of Pennsylvania or New York might wage war on the sovereign State of South Carolina. The constitutional position of the administration was extraordinary. It seemed to be admitted that South Carolina was sufficiently "sovereign" to seize the forts, arsenal, and military equipment of the United States which might happen to be within her borders; but was not sufficiently "sovereign" to be warred on and coerced by a presumably sovereign government like the United States. South Carolina commissioners appeared at Washington to arrange for a partition of the public debt and assets, for although "out of the Union" in this sense she was "in the Union" as regards coercion.

On the 1st of January, 1861, many Republican state governors, Andrew of Massachusetts and Blair of Michigan, for example, were sworn into office in the North. They were not content to allow matters to drift along, and began making preparations for war. Some of them, like Andrew, ordered arms and ammunition from foreign firms on their own responsibility, and thus were enabled to equip their state troops for service and send them to Washington within a day or two after the fall of Fort Sumter.

Lincoln's Inaugural Address.

Abraham Lincoln was inaugurated President on March 4th, 1861. He was a typical man of the people, and represented that which was soundest in American life. His father belonged to that most discouraging class—the "poor white" of the South. Absolutely without early advantages, Abraham Lincoln raised himself by his own efforts to the highest position in the gift of his fellow men. In his seriousness and in his humour, nay even in his ungainly person and kindly face, he stood for the American people. In his inaugural address he stated that he considered "that in the view of the Constitution and the laws, the Union

is unbroken, and to the extent of my ability I shall take care, as the Constitution itself expressly enjoins upon me, that the laws of the Union be faithfully executed in all the States." Appealing to the southerners, he said: "In your hands, my dissatisfied fellow-countrymen, and not in mine, is the momentous issue of civil war..... You have no oath registered in Heaven to destroy the Government, while I have the most solemn one to preserve, protect, and defend it."

Lincoln's policy.

He gathered about him a Cabinet of able men: Seward, Secretary of State, Chase, Secretary of the Treasury, Cameron, and later Stanton, Secretary of War, and Welles, Secretary of the Navy. Mr Seward at first appears to have regarded himself as the head of the government; but Lincoln quietly set him in his proper place, and throughout the war exercised himself the great powers conferred on him, although he always took advice as to any important matter. In pursuance of the conciliatory yet firm line of policy enunciated in his inaugural address, he sent word to the Governor of South Carolina that the Federal garrison in Fort Sumter would be provisioned. Then ensued the bombardment and capture of that fort by the southerners, on April 14, 1861. The next day President Lincoln issued a proclamation calling for seventy-five thousand volunteers. This document, which was elaborated with great skill, contains an admirable statement of the points in controversy from the Northern standpoint.

Lincoln's Proclamation.

"The laws of the United States," said the President, "have been for some time past, and now are opposed, and the execution thereof obstructed in the States of South Carolina, Georgia, Alabama, Florida, Mississippi, Louisiana, and Texas, by combinations too powerful to be suppressed by the ordinary course of judicial proceedings.

"Now, therefore, I, Abraham Lincoln, President of the

United States, in virtue of the power in me vested by the Constitution and the laws, have thought fit to call forth, and hereby do call forth, the militia of the several States of the Union, to the aggregate number of seventy-five thousand, *in order to suppress said combinations, and to cause the laws to be duly executed.*

"I appeal to all loyal citizens to favour, facilitate, and aid this effort to maintain the honour, the integrity, and existence of our national Union, and the perpetuity of popular government, and to redress wrongs already long enough endured.

"And I hereby command the persons composing the combinations aforesaid to disperse and retire peaceably to their respective abodes, within twenty days from this date." He also summoned Congress to meet on July 4th, 1861.

The Volunteers of 1861.

The response to this call for aid was more hearty than even Lincoln, in his simple faith in the righteousness of his cause, could have hoped for; many times seventy-five thousand men prepared to answer the summons. Douglas, his late rival for the presidency, promised the President his hearty support, and this fact telegraphed over the country turned many a doubting mind. The ex-Presidents, Franklin Pierce and James Buchanan, also "came out for the Union," now that the seceders had levied war on the national government.

The "Border States."

Four days later, on April 19th, 1861—the anniversary of the battles of Lexington and Concord—the Sixth Massachusetts Regiment, hastening to the defence of the capital, was attacked by a mob while marching through the streets of Baltimore, and several men were killed and wounded. This was the first bloodshed of the war, for the garrison of Fort Sumter had surrendered to starvation. Baltimore was soon cut off from the rest of the country. But troops proceeded by way of Annapolis, and soon Washington and Maryland were saved for the Union. Delaware,

also, in which slavery existed, took the same side. In Missouri there was a large body of men favourable to the cause of secession. But, largely through the exertions of General Lyon, who lost his life in the struggle, Missouri was prevented from joining the southern cause. Kentucky also was saved, after giving the administration considerable anxiety. The people of the western part of Virginia had no sympathy with secession. They were outvoted in the State Convention by the delegates from the eastern part of the State; but, with the aid of a small Union army, they seceded from Virginia. Later, in 1862, that section was admitted to the Union as the State of West Virginia—although not without straining a point of constitutional interpretation. Tennessee, Arkansas and the remainder of Virginia seceded from the Union and joined the extreme southern States in their resistance to the Federal authorities.

General Grant.

Men who already had some knowledge of military methods naturally came to the front in the early days of recruiting. Among them was Ulysses S. Grant, of Galena, Illinois. He had been educated at West Point, the government military training school, and had served with the colours during the Mexican War. He now entered with great energy into the contest; and acting under the authority of the Governor of Illinois, he seized the town of Cairo, in the extreme south-western corner of that State, where the Ohio joins the Mississippi. Soon afterwards he took possession of Paducah, at the junction of the Ohio and Tennessee Rivers. These two opportune seizures prevented the Confederates from using the Ohio River as their first line of defence.

Topography of Virginia.

The earliest considerable conflict of the war, however, was the battle of Bull Run, in Virginia. At the first glance, the conditions of warfare east of the Alleghanies seem difficult to comprehend. But a knowledge of the field of operations will help to diminish the

difficulty of understanding the strategy of the Virginia campaigns. The eastern portion of Virginia is divided into two unequal parts by a mountain chain, whose axis is parallel to the Alleghany system, and which is known as the Blue Ridge. Between the Blue Ridge and the Alleghanies proper flows the Shenandoah River, in a general northerly direction, emptying into the Potomac River at Harper's Ferry. The Potomac forms the northern boundary of Virginia, which is intersected by numerous large rivers having their sources in the Blue Ridge and flowing parallel to the Potomac in a general west to east direction. The most northerly of these subsidiary rivers is the Rappahannock, which at several places approaches to within a few miles of the Potomac, notably at Fredericksburg. The principal branch of the Rappahannock is the Rapidan, and just south of these rivers and near their confluence is a stretch of sparsely settled country, known locally as the Wilderness, and containing among other hamlets Spotsylvania and Chancellorsville. Other important streams are the York, which is formed of the Mattapony and Pamunkey Rivers, and the James, upon which the important city of Richmond is situated. Midway between the York and James Rivers flows a smaller stream, the Chickahominy. The Valley of the Shenandoah, lying at right angles to the sources of these rivers, is connected with eastern Virginia by a series of passes or "gaps," to use the local name, through one of which, Manassas Gap, ran a railroad connecting the Valley with a trunk line which leaves the Potomac opposite Washington and runs southward parallel with the Blue Ridge. The junction of these two lines of railroad was near a small stream called Bull Run. The protection of Washington demanded the closing of the Shenandoah Valley and the holding of the line of the Rappahannock. The Confederate plan of campaign was to hold the Federal army fast on one of these lines and force it back on the other. To either party Manassas Junction was of the utmost

importance, as the possession of the Manassas Gap railroad would enable the possessor to reinforce his army in the Valley or in front of Washington with both ease and speed. Manœuvring to gain this point brought on the first battle of Bull Run (July 21, 1861). The Federal plan of campaign was that McDowell, with the main Union army, should advance southward from Washington and drive the Confederates, posted near Bull Run, over the Rappahannock and back towards Richmond. At the same time, General Patterson was to press the Confederate force in the Valley under Joseph E. Johnston and prevent reinforcements being sent to Beauregard at Bull Run. But Patterson, instead of advancing, retreated. Johnston put his men on the railway cars and transported them to Bull Run in time to decide the conflict. After a fierce combat, the Union army was routed and fled in a panic to the Potomac and Washington. This closed the campaign in the East. McDowell was supplanted by George B. McClellan, who had won some easy victories in West Virginia, at such extraordinarily named places as Vienna and Philippi. He proved to be a great organizer and drill-master. Recruits poured in to the defence of Washington, and the Army of the Potomac emerged from its winter camps a thoroughly organized body of men. The disaster at Bull Run had served to arouse the North. It had served also to disorganize the Confederate army, for many southerners, regarding the war as over, left the front to resume their usual occupations.

Battle of Bull Run, 1861.

Meantime the country seemed to be fast drifting towards a conflict with Great Britain. That power, as well as France, had accorded belligerent rights to the southerners almost at the outset, urged thereto, doubtless, by the proclamation of a blockade of the southern ports. It seemed likely that they might even go farther, and acknowledge the independence of the Confederacy—although

Attitude of Great Britain.

this was never done. To hasten this result, however, the southern government despatched two commissioners to Europe. Escaping through the blockading fleet, they embarked at Havanna on board of the British mail steamer *Trent*, and were removed from the deck of that vessel, on the high seas, by a boarding party from the United States war-ship *San Jacinto*. This act aroused great indignation in Great Britain, and war seemed imminent. Fortunately, the commander of the *San Jacinto*, either from ignorance or for some other reason, had not complied with all the formalities required by the rules of International Law. The United States was able, therefore, to give up the commissioners without loss of honour. Indeed, Mr Seward gave the matter rather the air of a triumph by reminding the British government that the United States had always resisted the exercise of a similar right of search on the part of Great Britain, and added that the American people now did to "the British nation just what we have always insisted all nations ought to do to us." The readiness with which the British government seized the first opportunity to embarrass the Union government created a bitterness of feeling in America which was not lessened by the laxity shown by Great Britain in enforcing international obligations in the case of the *Alabama* and other Confederate vessels. It is easy to understand the apprehension with which many English statesmen viewed the increasing power of the United States, and the welcome which some of them, Mr Gladstone, for instance, would have given to the new "nation," as he denominated the Confederacy. It is not so easy to understand the sympathy which existed between English "society" and the southern slave-owners, who had, only a few months before, clamoured for the re-opening of the African slave-trade. Apart from the governing classes the mass of the British nation sympathized with the North. Some leading men, as John Bright and Goldwin Smith, strongly supported the northern side; and the heroic qualities dis-

played by the Lancashire operatives in bearing the miseries inflicted by the blockade still arouse admiration on both sides of the Atlantic.

The Confederate line of defence in the West extended from the mountains to the Mississippi. If one runs one's eye along the northern boundary of Tennessee, one can easily discern the important points in this first line of defence. At Cumberland Gap the boundary leaves the mountains and reaches the Mississippi a little to the north of New Madrid and Island No. 10. These two points formed the two ends of the Confederate line. The Cumberland River, rising to the west of Cumberland Gap, flows south and west by Mill Spring to Nashville. At that point it bends sharply to the north, and empties into the Ohio not far from the mouth of the Tennessee. The latter river, rising in Virginia to the east of Cumberland Gap, flows at first nearly south, passing Knoxville a few miles to the east and later Chattanooga. It then turns slowly to the west, and at Florence sharply bends to the north and empties into the Ohio at Paducah. These two rivers pursuing similar semicircular courses formed natural lines of defence against invasion. In January, 1862, a Union army led by General George H. Thomas defeated an equal force of Confederates at the battle of Mill Spring, and compelled the abandonment of the upper Cumberland valley. At a point where the two rivers in their northerly courses approach to within ten miles of each other, the Confederates had constructed two forts, Fort Henry on the Tennessee, and Fort Donelson on the Cumberland. These strongholds commanded the navigation of the two streams, and had to be captured before any invasion could be undertaken by the northern forces. This was handsomely accomplished by an army under Grant, and a co-operating naval force under Foote (Feb. 1862). In the following March, another Union army under Pope seized New Madrid and Island No. 10. The

Mill Spring to Donelson.

next month witnessed the capture of New Orleans by a naval force commanded by Farragut.

Farragut captures New Orleans.

The city of New Orleans stands on the river's bank a few feet only above the surface of the stream. It is about one hundred miles from the mouth of the great river, and was protected from attack by the shallowness of the water at the river's mouth, by the amphibious nature of the country between it and Lakes Maurepas and Pontchartrain, and by two forts situated on either side of the river some distance below the city. The blockade was very difficult to enforce at this point, and this made the possession of New Orleans and the control of the lower Mississippi of very great importance to both combatants. Removing the guns and some of the stores of his larger ships, Farragut carried his fleet over the bar with the exception of the largest vessel. An ineffectual bombardment of the forts by a mortar flotilla only served to increase Farragut's determination. Running by the forts with his ships, he destroyed a Confederate naval force which had been hastily gathered to oppose him, and proceeding upwards anchored off New Orleans. The city was defenceless and surrendered, and the forts were abandoned soon after to the soldiers who co-operated with Farragut (April, 1862). The control of the lower Mississippi from the sea to Baton Rouge was now in the hands of the Union government.

Shiloh, April, 1862.

The battle of Mill Spring and the capture of Forts Henry and Donelson compelled the Confederates to abandon their first line of defence and fall back to their second line. This was along the Memphis and Charleston Railroad, which connected Memphis on the Mississippi with Chattanooga and Virginia by Knoxville, and South Carolina and Georgia by Atlanta. This railroad follows the valley of the Tennessee River from Florence to near Chattanooga. Above Florence and not far from the point where the river first runs due north is Pittsburg Landing near the little

church of Shiloh. About one-third of the distance from this point to the Mississippi, the Mobile and Ohio Railroad running north and south crosses the Memphis and Charleston—the town at their crossing bearing the classic name of Corinth. The important points in this defensive line were Chattanooga, Decatur, where the Memphis and Charleston crosses from the southern to the northern bank of the Tennessee, Pittsburg Landing, Corinth, and Memphis. Grant, proceeding southward from Fort Henry, ascended the Tennessee as far as Pittsburg Landing and Shiloh, and there encamped until Buell should arrive with a strong reinforcement which Halleck, who then commanded in the department, had despatched from Nashville. On the morning of the day on which Buell arrived, the Confederates under General Albert Sidney Johnston, one of the ablest soldiers of the war, suddenly attacked Grant's army, and drove it back towards the landing place. Had almost any other man been in command, there would have been, in all likelihood, a terrible disaster. But Grant with a dogged stubbornness held on, until Buell's arrival in the afternoon changed the whole aspect of affairs. The next day Grant attacked in his turn and forced back the Confederates, now commanded by Beauregard, owing to the death of Johnston (April, 1862). The two armies lost nearly twenty-three thousand men, killed, wounded, and missing in this sanguinary battle. Halleck then assumed command in the field, and with the united armies of Grant, Buell, and Pope captured Corinth (May, 1862) and Memphis (June, 1862). The Mississippi was now open from Cairo to below Memphis, and from the sea to above New Orleans. But the Confederate batteries on the bluffs at Vicksburg closed the river to commerce. The President, who, under the Constitution, was the commander-in-chief of the forces of the United States, now summoned Halleck, whose strategic skill was supposed to have secured these results, to Washington, to act as his chief-of-staff.

Plan of the Peninsular Campaign.

Throughout the autumn and winter (1861–62) the Confederate and Union armies in Virginia had confronted each other. It was March, 1862, before McClellan could be induced to assume the offensive. He had then about one hundred and twenty thousand men to one-half that number of Confederates under Joseph E. Johnston. Instead of attacking him where he was, McClellan decided to transport his army by water to the Peninsula which is formed by the York and James rivers, and to approach Richmond from that direction. Several things made against the success of this scheme at the outset. In the first place, the civil authorities, feeling anxious for the safety of Washington, demanded that an adequate force should be placed in the Shenandoah Valley to face the Confederate army under Jackson in that region. Jackson on his part acted with so much vigour that he not merely kept this army in employment, but so alarmed the chieftains at Washington that they retained near the Potomac McDowell and his corps of some forty thousand men who were to have marched overland to reinforce McClellan. In this way, Jackson with twenty-five thousand men diverted some seventy-five thousand from the real seat of war, and, when the time came, slipped away and joined his compatriots in front of Richmond. McClellan was disappointed also in not receiving the assistance he had expected from the navy.

The *Monitor* and the *Merrimac*.

In point of fact, what with the blockade, the operations on the Mississippi, and the contest with the *Merrimac*, the navy had at this time about all it could attend to without succouring McClellan's overwhelming force. The most formidable of the Confederate ironclads was the *Merrimac* or the *Virginia* as the Confederates re-christened her. This vessel was the old American frigate *Merrimac* which had been set on fire and sunk on the abandonment of the Norfolk navy-yard by

the Union forces. The Confederates floated the vessel, cut her down, and built on her deck a superstructure of five inch wrought iron resembling the roof of a house with the eaves under water. On March 8th, 1862, this strange craft steamed down to Hampton Roads, destroyed the United States frigates *Cumberland* and *Congress*, and began the destruction of the *Minnesota*. The next day she again appeared to complete the demolition of the Union fleet. But during the night an even stranger vessel had reached Fortress Monroe, the Union stronghold. This was the *Monitor* designed by John Ericson, a naturalized citizen of the United States, and built under his supervision in one hundred days. Her armoured sides rose less than two feet above the water and on her deck, in a revolving iron turret, were two very large smooth bore guns. The little ship appeared so grotesque in the eyes of sailors accustomed to the tall spars and graceful lines of frigates like the *Congress*, that they dubbed her "a cheese-box on a raft"—a phrase which precisely described her appearance. Steaming alongside the huge *Merrimac*, the two armoured ships fought the first battle of its kind in the history of the world. In the course of four hours they threw at one another enough shot to have sunk the whole wooden navy of the United States. Not a shot penetrated the *Monitor*, and the damage sustained by the *Merrimac* is not known. The latter retired from the fight and never renewed it, while another combat would have been welcomed by the crew of the *Monitor*.

Really Ed!

The Peninsular Campaign.

McClellan's plans seem to have become known to the enemy within a few hours of their formation. Johnston immediately retired from his winter camp near the battle-field of Bull Run, and McClellan, when he began his march up the Peninsula, found himself stopped by a long line of entrenchments extending from Yorktown across the Peninsula to a branch of the James. It took him nearly a month to surmount this obstacle, and it

was the end of May before he reached the vicinity of Richmond. On May 31st (1862) a severe and indecisive battle was fought at Fair Oaks about ten miles from Richmond. A month later McClellan's picket line extended to within four miles of that city. Johnston was now wounded, and Robert E. Lee became the commander-in-chief of the Confederate army. Summoning Jackson from the Valley, he struck the Union army blow after blow (June 26—July 2, 1862). These battles, known as the Seven Days, resulted in the withdrawal of the Army of the Potomac from the front of Richmond to the James below City Point. There, at Malvern Hill, it beat off a last attack with fearful damage to the assailants. The total loss in these engagements, from May 27th, was forty-four thousand men, nearly equally divided between the two combatants.

Pope's Campaign.

General Halleck was now in command of all the northern forces, with headquarters at Washington. Aware of Halleck's limitations, Lee determined to relieve the pressure on Richmond by making a counter-demonstration against Washington. All the labours of the Army of the Potomac were lost. It was withdrawn from the James and sent to Acquia Creek to reinforce the army in front of Washington, now led by General Pope, the conqueror of Island No. 10. Lee on his interior lines reached Pope before McClellan's troops could be placed firmly in the former's grasp. Jackson, by one of his extraordinary marches, placed his corps on Pope's line of communication, and induced that astonished commander, who had begun the campaign by exhorting his soldiers to think no more of lines of retreat, to retire in some confusion. This enabled Lee to rejoin Jackson, to win the second battle of Bull Run (Aug. 29–30, 1862), and to force Pope back to the defences of Washington.

Lee then crossed the Potomac near Harper's Ferry to release Maryland from the "invader," and to add that State to the ranks of secession. McClellan was restored to command, and the

two armies fought a bloody battle on the banks of the Antietam (Sept. 17, 1862). The Union force was double that of the Confederates. But according to some military critics, McClellan frittered away his opportunities in a series of sharp assaults. The next day Lee retired. The loss of the two armies in this battle was about twenty-two thousand, more than twelve thousand being on the Union side. McClellan, pursuing slowly, was relieved, and the command given to General Burnside.

Antietam, Sept. 1862.

Lee, retreating southward to place himself between the two capitals, fortified Marye's Heights which rose just behind Fredericksburg on the Rappahannock. Instead of manœuvring Lee out of this very strong position, Burnside attacked it in front. It was difficult to cross the river within range of riflemen posted in the houses of Fredericksburg, and the furious assaults of the Federal troops on the entrenched line above the town were repulsed with great loss to the attacking parties. The "Horror of Fredericksburg" (December 13, 1862) cost the Union army thirteen thousand men to only four thousand of the enemy, without any advantage being gained. Ere long, Burnside gave over the command to "Fighting Joe" Hooker, and the Army of the Potomac, worn down by fighting and with its discipline much impaired, went into winter-quarters at Falmouth opposite Fredericksburg.

The "Horror of Fredericksburg."

Not long after the beginning of the conflict (May 26, 1861), General B. F. Butler, commanding at Fortress Monroe, had refused to deliver up slaves who had escaped into his lines—they having been demanded by their owner, a Confederate soldier, under the provisions of the Fugitive Slave Act. Butler declared that their labour would be useful to the enemy, and that he retained them as "contraband of war"; and the name contraband clung to the slaves for the greater part of the war. Other commanders

The Emancipation Proclamation.

went so far as to declare the slaves in their departments free. But this was going farther than Mr Lincoln then deemed prudent, and they were overruled. By the summer of 1862, the President's scruples seem to have been overcome by the logic of the situation. "My object," he wrote, "is to save the Union, and not either to save or destroy slavery. If I could save the Union without freeing any slave I would do it; if I could save it by freeing all the slaves, I would do it." He soon became convinced that to emancipate the slaves would be a useful and justifiable means of distressing the enemy and arousing sympathy for the Union cause abroad, as well as satisfying the demands of an influential body of his own supporters. Accordingly, after the collapse of Lee's invasion of Maryland, he issued a Proclamation (Sept. 22, 1862), stating that on the first day of the new year (1863) he would declare free all slaves in any portion of the country which should then be in rebellion against the United States; and on January 1, 1863, he issued the Emancipation Proclamation. This of course had effect only in such parts of the seceded States as were then or afterwards in the hands of the Union army. But it encouraged the active supporters of the war in the North, and did much to secure the sympathy of many English men and women. The Proclamation did not extend to the slave States which had not seceded. One of them, Maryland, adopted in 1864 a constitution without slavery—on the very day that Roger B. Taney, a citizen of that State and the author of the Dred Scott decision, died. The final blow was given to slavery throughout the country by the adoption in 1865 of the Thirteenth Amendment to the Constitution[1], prohibiting slavery in any part of the United States.

When Halleck left the West to assume the direction of the war at Washington, the fine army which he had led to Corinth was divided among three commanders, Grant, Rosecrans, and

[1] See Appendix V.

Buell. The two first named were to complete the conquest of the country bordering on the Mississippi, and Buell was ordered to seize Chattanooga and drive the Confederates from eastern Tennessee. Meantime, the vigour and foresight of the Confederate General, Braxton Bragg, had changed the face of the war. Placing thirty thousand men on the railway cars, he carried them to Mobile and thence to Chattanooga. He thus reached that field of action earlier than Buell, who was seriously hampered by instructions from the far-off Halleck. Bragg next eluded Buell, and marched to the vicinity of Louisville on the Ohio before he could be brought to action. But at Perryville (Oct. 8, 1862) the two armies fought a stubborn battle in which either side lost about five thousand men. Bragg, however, was forced to return to Chattanooga. Buell, on his part, halted at Nashville where he was relieved by Rosecrans.

The Struggle for Tennessee.

In November, Bragg again moved northward and advanced as far as Murfreesboro', on the road to Nashville. On December 30th, Rosecrans moved out of Nashville with the Army of the Cumberland and advanced southward to gain Chattanooga. The two armies met at Stone River near Murfreesboro' on the last day of the year (Dec. 31, 1862). Again and again Bragg hurled his splendid army against the Union position. The centre under Thomas and Sheridan stood firm and repelled every attack. The next day the two combatants faced one another, and on Jan. 2 (1863), Bragg retired from the field. In this terrible conflict the two armies lost some twenty-two thousand men out of ninety thousand engaged. Rosecrans remained in and near Murfreesboro' for nearly six months until June, 1863. We must now return to the Mississippi.

Murfreesboro'.

When Bragg moved northwards in the summer of 1862, he had ordered Price and Van Dorn to attack the Union forces and prevent reinforcements being sent to Buell. The carrying

out of these orders brought on the battles of Iuka (Sept. 19, 1862) and Corinth (Oct. 3, 4, 1862). Soon after, Rosecrans left for the Cumberland, and Grant exercised sole command in Mississippi. The eastern bank of the river of that name is marked by a succession of high bluffs which in some places border the stream and in others retire to a distance from it. At Memphis, for example, the bluffs leave the river's bank and retire far inland, again approaching the river at Vicksburg. The intervening space is occupied by a morass, through which the Yazoo sluggishly meanders, emptying into the Mississippi a little to the north of Vicksburg. That place had by this time become a formidable stronghold, unassailable from the river. The gun-boats were useless, as the fortress was so high above the stream that the guns of the ironclads could scarcely reach the top, while the vessels were exposed to a very destructive cannonade. Farragut had run by this citadel four times, but had been able to do little towards its capture. Grant now took the matter in hand. The best plan would have been to advance southward from Corinth and to approach Vicksburg from the north and east. Unfortunately, Grant was not given a free hand. The machinations of the "political generals" and the politicians demanded an advance down the Mississippi. Dividing his force into two parts, he sent Sherman with one portion down the Mississippi to assail Vicksburg from that direction, and with the remainder of the army he marched southward to prevent Pemberton, the new Confederate commander in that quarter, from opposing Sherman. A sudden raid by the Confederates destroyed his stores at Holly Springs (Dec. 1862) and he was obliged to fall back. Pemberton was thus free to turn on Sherman, and the latter was repulsed with heavy loss in an attack on Haines' Bluff a few miles north-east of Vicksburg (Dec. 29, 1862). As an offset to this failure, Sherman and Porter, acting under the nominal command of

The Vicksburg Campaign.

McClernand, captured Arkansas Post (Jan. 11, 1863), a strong position on the Arkansas River, the garrison of which might have seriously threatened Grant in his later campaign. Grant now transferred his whole command to the Mississippi above Vicksburg and tried plan after plan without success. Finally, passing by Vicksburg on the west side of the Mississippi, he crossed the river below the town, gained the rear, and, after a sharp action or two (April and May, 1863), drove Pemberton's forces into the fortifications and besieged them there, his right resting on the river north of the town and near the scene of Sherman's recent failure. Meantime, General Joseph E. Johnston, recovered from his wound, had been placed in command of the Confederate forces in Mississippi. He had ordered Pemberton to save his army while an opening still remained. But Pemberton had refused to obey Johnston's command. Consequently, all the latter could do was to threaten the rear of the besieging army. To meet this danger, Grant detailed Sherman with thirty thousand men; but beyond causing the Federal commanders some anxiety and diverting Sherman's corps from the direct work of the siege, Johnston accomplished nothing. The siege went on, and after repelling several assaults, the garrison of Vicksburg, thirty thousand strong, surrendered to the Union army on the 4th of July, 1863. A few weeks later the other Confederate strongholds on the great river fell into Union hands, and the Mississippi, in Lincoln's words, "flowed unvexed to the sea." The day before the fall of Vicksburg the Army of the Potomac had repelled the last attack of Lee's army on the lines at Gettysburg.

Chancellorsville.

General Hooker, the new commander of the Army of the Potomac, was at once a popular officer and a strict disciplinarian. Under his care the army soon recovered its morale, and on April 30th, 1863, resumed its arduous task. Leaving Sedgwick with one corps to seize Marye's Heights, if occasion should offer,

Hooker turned Lee's left flank and placed his main army, about eighty thousand strong, across the Rappahannock in and around Chancellorsville and then stopped. Lee, leaving a small force to confront Sedgwick, divided the remainder of his army—about one-half the size of Hooker's—into two parts. With one portion Jackson made a rapid march across the front of the Union army, surprised Hooker's right and all but routed it. This was Jackson's last fight, as he was accidentally shot by his own men, while returning from a reconnoissance. Redoubling his attacks, the next day Lee forced Hooker back to the river. Then turning on Sedgwick, who had meantime captured Marye's Heights, he drove him across the river. In these four days (May 2–5, 1863) the Union army had lost seventeen thousand men to thirteen thousand of the Confederates; and Lee, with an army of fifty-eight thousand men, had inflicted a crushing defeat on the Army of the Potomac, one hundred and twenty-five thousand strong, and the Confederates still occupied Marye's Heights.

Lee invades Pennsylvania.

Lee, however, was not the man to remain quiet in his lines. Again assuming the offensive, he led his army through the Valley and, crossing the Potomac, invaded Pennsylvania. The Army of the Potomac followed, and on June 28th received a new commander, General George G. Meade, a quiet business-like man, but a safe and thorough soldier.

Gettysburg, July 1–3, 1863.

The advance of this army in his rear forced Lee to turn back, and, in a race for the roads leading southward, the foremost divisions of the two armies encountered each other near the little village of Gettysburg (July 1st, 1863). The Union soldiers were driven back through the town, and found themselves on a crest called Cemetery Ridge. This position offered such advantages to the defenders that Meade determined to fight a general battle at that point. The ridge occupied by the

Union army at Gettysburg has been well described as in the form of a gigantic fish-hook. Culp's Hill on the extreme point formed the right of the Union position and the hills called the Round Tops, at the end of the shank, guarded its left. The Confederates drew up their forces on Seminary Ridge, opposite and parallel to Cemetery Ridge, their left extending through the town to the front of Culp's Hill, around whose base ran a little stream. On July 2nd the Confederates drove back a body of troops which had been wrongly advanced beyond the left of the Union line; they also effected a lodgment on the slope of Culp's Hill. From this latter position they were driven on the morning of the 3rd, and all attempts on their part to gain more ground on the Union left failed completely. Lee then essayed to break the Union centre. Led on by the gallant Pickett, fifteen thousand Confederate soldiers charged the Union line, to be hurled back with fearful slaughter. That ended the battle, and soon after Lee retreated across the Potomac. In this momentous conflict, the Union army numbered eighty thousand men and lost twenty-three thousand; the Confederate force amounted to seventy thousand and lost twenty-five thousand. Gettysburg and Vicksburg decided the war. The North had shown its power to repel invasion and had cut the Confederacy in twain.

Chickamauga and Chattanooga.

After the battle of Stone River, Rosecrans rested his army for nearly six months, from January to June 1863. The authorities at Washington then induced him to move, and he began anew his attempt to manœuvre Bragg out of Chattanooga. In this he succeeded. By this time, however, the campaign had been fought in the East and Lee found himself able to send Longstreet with his corps to Bragg's assistance. The Union forces in the West were at the same time increased by the arrival of Burnside, with a new Army of the Ohio, who occupied Knoxville. Feinting, as if to join Burnside, Rosecrans crossed

the Tennessee below Chattanooga, and obliged Bragg to abandon that town. Before Rosecrans could get his whole army in hand again, Bragg attacked him near Chickamauga Creek (Sept. 19 and 20, 1863) and had not Thomas, who commanded the Union centre, stood firm, the Union army would have suffered a terrible defeat. Soon afterwards Thomas succeeded Rosecrans in the command of the Army of the Cumberland and was blockaded by Bragg in Chattanooga. Longstreet, on his part, besieged Burnside at Knoxville. It seemed probable that both Union armies would be starved into surrender, or at least into leaving their positions. It was at this time that Grant assumed command of all the armies from Knoxville to Vicksburg. Hooker, with reinforcements from the Army of the Potomac, had already reached Chattanooga, and Grant brought Sherman's corps with him. Throwing Hooker's corps at Bragg's left, Grant confided to Sherman the task of destroying Bragg's right flank, while he himself with Thomas and the Army of the Cumberland pressed the Confederates in front. Sherman, at his end of the line, was brought to a standstill by an unsuspected ravine which suddenly opened across his path—but not until he had dealt the Confederate right a severe blow. Hooker carried his corps up the sides of Lookout Mountain, fought a romantic "Battle above the Clouds," and then gained a position on Bragg's left and rear. Thomas now attacked the main position in front. His attack was not intended to be a serious affair but merely to occupy the attention of the main body of the Confederates while Sherman and Hooker gained their flanks and rear. But the Army of the Cumberland, as if jealous of the confidence reposed in the new-comers, without orders, and against orders, carried the first line of the Confederate intrenchments, pressed on with the flying enemy, pursued them up the slope of Missionary Ridge, rushed over the intrenchments, and broke the centre of the Confederate army.

Bragg retreated in haste toward Atlanta. These three battles are conveniently known as the Battle of Chattanooga (Nov. 23–25, 1863). Sherman at once went to the relief of Burnside, and on his approach Longstreet retired to Virginia. Vicksburg and Chattanooga made Grant the foremost soldier in the Union army. Furthermore, he had won the confidence of the people of the North. On March 10th, 1864, he was placed in command of all the armies. For the remainder of the war, the several Union armies acted in concert. Grant conducted the Virginia campaigns in person, and confided the control of the armies operating from Chattanooga to his able and trusted lieutenant, William T. Sherman. It will be convenient to follow the movements of these latter armies first.

Sherman and Johnston.

General Sherman had about one hundred thousand men, for the most part inured to war, commanded by able chiefs, Thomas, McPherson, Schofield, Ord, Sheridan, and Hooker, and united by a feeling of confidence in one another from the commanding general down to the drummer boy. Opposed to this splendid force were some seventy-five thousand veterans led by General Joseph E. Johnston, a general second only to Lee in ability among the living Confederate officers. The Confederate government, however, did not place the fullest confidence in Johnston, and his subordinates did not always support him as they should have done. The country between Chattanooga and Atlanta is very broken and rugged, offering an admirable defensive position every few miles of the way.

The Atlanta Campaign.

The Atlanta campaign is most interesting from the strategical point of view. Instead of attacking Johnston in front, Sherman only threatened to do so, at the same time passing strong bodies of troops around his right or left flank. As soon as this movement became serious, Johnston would retire to a new set of intrenchments which had been constructed by negro

slaves a few miles in the rear. There was but one serious assault during the whole campaign from the Tennessee to the Chattahoochee, about one hundred miles in a straight line, but the fighting was almost continuous (May 7—July 9, 1864). The Union loss was about sixteen thousand to thirteen thousand for the Confederates. Soon the Chattahoochee, the last natural obstacle in the way, was passed and the Confederate army alone remained between Sherman and the most important military factories in the South. Many of these had been constructed since the beginning of the war, and others had been adapted from other uses to those of war. The loss of Atlanta would be an irreparable blow to the South. Johnston was now removed from the command of the defence, and Hood, one of his subordinates, was put in his place. It was believed that Hood would fight, and in this expectation the Confederate government was fully justified. On July 19, he attacked the Union army as it was changing its position, and was repulsed with a loss of five thousand to two thousand for Sherman. Regardless of this attack, the latter general continued the movement of his army, and Hood again attacked (July 22) and was again repelled. Unable to seize Atlanta from the south-east, Sherman passed his army around to the west and south. While this new movement was in progress, Hood attacked Sherman with great fury on July 28, and again on September 1st. Repelled, with great loss, Hood on September 2nd retired from Atlanta to save his army, and marching westward and then northward, endeavoured to make Sherman abandon Atlanta by attacking his communications with the North. The latter general now surprised Hood by sending back Thomas and Schofield with some fifty thousand men, including the garrisons on the lines of communication as far as Nashville, while with another sixty thousand men, stripped of all impedimenta, and hardened to marching and fighting, he left Atlanta—after destroying the mills and factories—and set out for the sea-coast.

At first sight this plan of the "March to the Sea," which had been long in Sherman's mind, seemed likely to end in disaster. But neither Sherman, who proposed the scheme, nor Grant who sanctioned its being carried into effect, were men to engage in foolhardy enterprises. Of the importance of the movement there could be little question. The Union commanders believed the Confederacy to be on the point of collapse from sheer exhaustion. The spectacle of sixty thousand men marching hither and yon through the heart of the Confederacy would raise the spirits of the Unionists and depress those of the Confederates. It might also have an important effect on European opinion. A further march from the coast northward would necessitate the evacuation of the sea-ports then remaining in the hands of the Confederates, and would place Sherman and his army within supporting distance of Grant and the Army of the Potomac. Nor did the risk seem great. Sherman believed that he would be superior to any force in the Confederacy except the armies commanded by Lee and Hood. The serious questions to be considered were the ability of Thomas to crush Hood, and of Grant to prevent Lee from sending reinforcements to either Hood or any force which might gather on Sherman's path. Grant had abundant force and will to keep Lee fully employed. As to Thomas, there was more doubt. The movement, however, might seriously impair the fighting strength of the Confederates, and Grant consented to it.

Plan of Campaign.

Thomas carried out the task intrusted to him in his usual quiet and thorough way. Retiring to Nashville, the better to rally to his aid the different bodies of troops scattered throughout Tennessee and to receive recruits from the North, Thomas refused to be hurried into action. He would cheerfully hand over the command to another, but he would not give battle until he was ready. At

Thomas's Victory at Nashville.

length on December 15th, 1864, Thomas left his intrenchments and attacked Hood. In the course of that day and the next he not merely routed the Confederates, but destroyed Hood's army as a military organization.

The "March to the Sea."

Meantime Sherman was gaily "marching through Georgia" —cutting a swathe sixty miles wide as he went. When they came across a railroad the soldiers, many of whom were railroad builders, became railroad destroyers, and they did their work so thoroughly that the gaps they cut in the railroad system of the South could not be repaired during the war. The army lived on the country and lived well—but in other respects private property was not destroyed. On December 10th, Sherman opened communications with the squadron blockading Savannah, and ten days later entered that city, which was evacuated by the enemy. Resting his men for about a month, Sherman set out before he was expected to start and thus gained a position in front of the troops who should have opposed his march. Directing his course inland, he made the evacuation of Charleston necessary, and reached Columbia, the capital of the State of South Carolina, on February 17th, 1865. Lee, now that the danger was so great, took the responsibility of appointing Joseph E. Johnston to command whatever troops could be gathered to oppose Sherman. The march now became more difficult and vastly more dangerous the nearer Sherman approached Lee's army. The rivers, swollen with the winter's rains, detained Sherman. Johnston exerted all his energy and talent. At Bentonville, in North Carolina, he attacked the head of Sherman's army, and for a time it seemed as if there would be a disaster. In the end Johnston was beaten off with heavy loss, and Sherman reached Goldsboro' in safety. There he was joined by Terry and his corps, who had recently captured Wilmington, the last refuge of the blockade-runners. There, also, Schofield joined him with a portion of the army with which

Thomas had beaten Hood. Sherman was now (March 21st, 1865) superior to Johnston's forces or to any army which could be brought against him. He held fast to Johnston, while Grant completed the ruin of Lee's army.

The Wilderness to Cold Harbor.

On May 3rd, 1864, the day that Sherman left Chattanooga, the Army of the Potomac under Grant, with Meade in immediate command, crossed the Rapidan southward for the last time. The Union force amounted to one hundred and twenty thousand men, while Lee had sixty-two thousand. Two days later, while passing through the Wilderness, the opposing armies came together not far from the fatal field of Chancellorsville. For four days (May 5–9, 1864) a terrible contest went on; and, then, Grant, unable to push Lee back, moved to the left and gained Spotsylvania Court House. There another fearful conflict ensued (May 10–12) and with the same result as before. Again by the left, Grant directed his army and came upon Lee in an unassailable position on the North Anna—a branch of the Pamunkey River. Another flank march brought the Union soldiers to Cold Harbor, about thirteen miles from Richmond, and to the battle ground of McClellan's Peninsular campaign. There again Lee confronted them. Grant hurled the Army of the Potomac at Lee's veterans and it was repulsed with awful loss. For nearly two weeks (May 31—June 12, 1864) there was continuous fighting at this point, when Grant, changing his base, transferred his army by the left to Petersburg about twenty miles south of Richmond. Lee again anticipated him, and Grant began the siege or blockade of Petersburg, which continued through the autumn and winter and into the spring of 1865. In these battles from the Rapidan to the James, Grant suffered a loss of sixty thousand men without inflicting proportionate injury on Lee. But Grant's losses could be and were made good, while every Confederate killed or captured was an irreparable

loss to Lee. Grant refused to allow any more exchanges of prisoners, declaring that a man who died in the Confederate prisons died for the cause of the Union equally with the man who died on the field of battle. During the winter Grant tried to get around both to the right and to the left of Lee, but accomplished little except the destruction of one of the two railroads over which Lee's scanty supplies must come, and the extension of the Union left necessitated the extension of the Confederate right until the defensive works stretched in a long line of thirty-seven miles.

Sheridan's Valley Campaign.

Lee endeavoured to secure Grant's withdrawal by a raid against the Union capital. Led by Jubal Early, a body of Confederate troops marched down the Shenandoah Valley, crossed the Potomac, and reached the defences of Washington. But the clerks in the departments and a few hastily summoned troops detained Early long enough to enable two army corps to reach the city by water from the James. Early then retreated to the Valley. Without letting go his hold on Petersburg, Grant detached Sheridan with an army of forty thousand men—including ten thousand cavalry—to destroy Early's force, if possible, and to devastate the Valley so that another Confederate army could not march through it. Then ensued a series of marchings and counter-marchings, to which the topography of the Valley was most favourable. The alternate advance and retreat of the Confederates depended mainly upon the number of men Lee could send to Early or might be obliged to withdraw from him. Ultimately, Sheridan over-mastered Early, and, having devastated the Valley, returned to the main army (Nov. 1864).

Lincoln re-elected President.

In the autumn of this year the people of the North by re-electing Lincoln, decided, that the war should go on. John C. Fremont was the first candidate to be nominated for the presidency. The nomi-

nation was made by a radical group, which demanded a more vigorous prosecution of the war. The Democrats nominated General McClellan on a platform which declared that the war was a failure. McClellan somewhat damped the ardour of his supporters by declaring in his letter of acceptance that the war had been successfully prosecuted. Fremont retired in favour of Lincoln, who was re-elected by a popular majority of nearly half a million, receiving two hundred and twelve electoral votes to twenty-one given to McClellan. Preparations for bringing the conflict to a close were now pushed forward with great vigour, and the Union army increased in size every month until May 1865, when over one million men were on the Northern muster rolls. No such increase in numbers was possible for the South. Even the losses could not be made good. The only hope remaining was for Lee and Johnston to escape to the mountains, and there to maintain a partisan warfare.

The Surrender at Appomattox Court House.

In the spring, even before the roads became really passable, Grant was up and doing. He had one hundred and twenty-five thousand men to Lee's fifty thousand. He again extended his line to the left, and Sheridan, who led the turning force, gained a position at Five Forks (April 1st, 1865) commanding the roads to the rear of Richmond and Petersburg, and Lee could not drive him back. On the night of April 2nd and 3rd, Lee withdrew his army from his works and endeavoured to escape by the valley of the Appomattox to the foot-hills of the Alleghanies. While the main Army of the Potomac hung on his flank and rear, Sheridan, with his cavalry and an infantry corps, pushed to the front. By a misunderstanding, the supplies designed for Lee's soldiers were sent to Richmond. This necessitated a delay to enable the men to procure whatever food there was in the vicinity. The supplies obtained were scanty enough, and the delay was fatal. When (April 7th,

1865) the starving Army of Northern Virginia reached the vicinity of Appomattox Court House, a body of dismounted Union cavalry was descried drawn up across the line of retreat. Lee deployed his men, when the cavalry drawing off disclosed an infantry line of battle. Sheridan's cavalry and the Fifth Corps were in front of Lee's veterans; the main body of the Army of the Potomac was pressing them from behind. There was nothing left but surrender. The terms granted to these soldiers, and later to Johnston's men, were such as had never before been granted to the vanquished at the end of a great civil war. They required that the Confederate soldiers should lay down their arms and cease from hostilities—nothing more. Grant even did what he could to repair the exhaustion of the South, by allowing the men who had horses to retain them; "They will need them for the spring ploughing." An endeavour was later made to bring to account the politicians who had led the secession. But the attempt was wisely abandoned.

The surrender at Appomattox was on April 9th, 1865. Five days later, on Good Friday, April 14th, 1865, Abraham Lincoln was murdered by a demented sympathizer with the cause of disunion. Thus perished the one man able and willing to restrain the Northern extremists. The "reconstruction" of the Union fell into less capable hands, and many of the later woes of the South may be regarded as in part due to this most unholy of murders. But our story ends here. It remains only to call the reader's attention to a few of the underlying causes for the long duration of the conflict and for the final triumph of the North.

Lincoln murdered.

The inhabitants of the States remaining in the Union outnumbered the inhabitants of the seceding States, more than two to one. The Union armies outnumbered the Confederate armies throughout the war, although the disproportion became more

Northern and Southern soldiers.

marked after 1863. Why then, on the one hand, was not the South crushed, at the outset? On the other hand, how did it happen that it was ultimately beaten? In the first place, it must be conceded that the Southern leaders made a better use of their resources—bearing in mind the immediate object in view—than the leaders of the Northern people. The whole Southern population was utilized for war purposes. Everything else was abandoned. The able-bodied men went to the front, the old, the young, and the infirm remained behind with the women and the slaves. The old men and the women superintended the work of the plantation. The productive forces of the South were thus utilized until near the close of the conflict with very slight assistance from the able-bodied adult males. These were thus free to become soldiers, and were forced into the army by the Confederate government with a ruthless hand. In the North the case was very different. The Union leaders, perhaps because they under-estimated the resistance the Southern people would make, or perhaps because they realized that the war would be long and costly, built up the industries of the North on the one hand, while they fought the South on the other. A protective tariff stimulated manufacturing, a liberal policy as to the national domain aided the settlement of the western States and territories, which was further encouraged by the building of long lines of railroad opening up new regions to settlement. The productive capacities of the North were in these ways enormously increased and expanded during the war. The North grew stronger in material resources every year, and every year therefore there was a greater fund from which to draw revenue for the support of the war. This great expansion in industry, however, demanded the labour of a very large proportion of the adult male population and thus prevented the Union leaders from making an unrestricted use of their resources in the way of men fit for service in the army. These facts alone,

had other things been equal, would have accounted for the prolongation of the struggle and for the eventual collapse of the South.

The South during the War.

The Union government, while developing the resources of its own people, seriously crippled those of the secessionists. This was accomplished by the blockading of the Southern ports. The blockade was begun in April 1861, and continued with ever-increasing severity to the close of the war. The naval blockade, moreover, was supplemented by an equally rigorous land blockade. Of course, there was a movement of goods in and out of the Confederacy. Specially constructed vessels ran the blockade of the seaports, at very great risk to themselves, and merchandise of one kind or another, was smuggled across the land frontier. But these were as dribblets to the natural stream of commerce. The effectiveness of the blockade can be discovered from the fact that the exports of cotton fell from over two hundred million dollars worth in 1860 to four million dollars worth in 1863. Practically, the commercial life of the Confederacy was brought to a complete cessation. Had the North been thus closed to the outer world it would have made little difference. That section contained in full operation all the elements of social organization of the nineteenth century. The South did not. Cotton was its staple, and the inability freely to export that commodity deprived the South of the means of civilized existence. The capital of the South consisted in land and slaves. As the cultivation of cotton gradually ceased, the production of food-stuffs increased. But there existed no means of replacing the material of war as it was destroyed. The blockade-runners brought in scant supplies of arms and munitions; but towards the end this source of supply was destroyed, and it was proposed to arm at least one regiment with pikes. But when one looks beyond the bare necessaries of existence and warfare, and has regard for such

necessities of civilization as boots and clothing and paper, one finds that the South was fairly denuded of these things in 1865. The sufferings of the soldiers were greatly increased by the gradual collapse of the Confederate government's credit. There was comparatively little business transacted in the South, and the government, unable to raise much by taxation, carried on the contest by credit, and that was so little regarded that the Confederate paper money was practically valueless in 1864–65. It took, for instance, five hundred dollars to buy a pair of boots. The blockade by land and sea, in short, contributed more than any other single thing to the destruction of the Confederacy.

Constitutional limitations.

The fact that the Confederate government was a despotism from the beginning to the end of its brief life, contributed largely to the early and energetic use of the resources of the South. There was, indeed, a Confederate Constitution and Jefferson Davis was elected President. There was also all the paraphernalia of a constitutional government in the shape of a congress and great departments, each with its chief. In reality, however, Davis wielded the powers of a despot; and, considering the task in hand, used his power with skill and vigour. The Union government, on the other hand, was sorely hampered by the necessity of consulting the susceptibilities of the people and of many of the State governments. It was hampered at the outset by the necessity of observing the *Habeas Corpus Act* and other constitutional safeguards. Throughout the war a large party among the people of the North opposed its acts, while the South was substantially unanimous in support of the Confederate government, at least until the autumn of 1864.

Although it is true that Southern armies occasionally invaded the North, only to meet with repulse, the war was, on the part of the South, defensive in the main. Defensive

warfare in itself is easier than offensive warfare, and in this instance the topography of the South greatly assisted the defenders. The natural obstructions presented by the large and numerous rivers flowing eastward and westward from the Alleghany Mountains were formidable. Moreover, the paucity of artificial means of transport, such as railroads, and the insufficiency of the country roads, impeded the march of the well supplied Union armies to a much greater extent than they did the progress of the Southern soldiers who, as a rule, were seldom troubled with much equipment or food. The Union soldiers were probably better fed, clothed and cared for than any army had been before 1860. Their very wealth, however, hindered their movements, and it was not until the Atlanta campaign that the two armies faced one another on anything like an equal footing in this respect. In that campaign, General Sherman reduced the impedimenta of his army to the lowest possible point consistent with continued efficiency. It should be noted, however, that the Federal leaders utilized to advantage the railways existing in the South and also made great use of the more important navigable streams. Without these means of communication the conquest of the South might have been impossible.

Character of the struggle.

It must be conceded also that the Southerner was a better soldier in the beginning of a term of service than the Northerner. The habits and associations of the people of the North were peaceful. The fields, shops, and professional offices of that section gave full opportunities to the young Northerner to display his energies. The army and the navy of the United States were largely officered by Southerners, to whom the conditions of life in the South offered few inducements to remain at home. Most of these men "followed their states" in place of observing their oaths of allegiance to the United States. There were

Northern and Southern armies.

many exceptions to this rule, and some of the most distinguished Union leaders, Farragut and Thomas, for instance, were Southern men. Besides, most of the Northern men who had been educated at West Point had left the army after their obligations to the government had been fulfilled, and had entered civil pursuits. McClellan, for example, was president of a railroad, Grant was engaged in business, and Sherman was teaching school. It took time for these men to gain the positions to which their talents fitted them. Indeed, in some cases, as in that of Sherman, their knowledge of the probable requirements of the war led them to make such large demands for men, that civilian officers, ignorant of the problem, were given the preference. The "poor white" of the South, too, submitted more readily to discipline at the hands of the Southern aristocrats, than did the Northern labourer or clerk to the orders and admonitions of his military superior, who may well have been his fellow clerk or labourer a week or a month before. When drilled and hardened to war by continued service, the Northern volunteer proved to be as good a soldier as any.

Robert E. Lee and General Jackson.

The Southern military organization was more permanent than was that of the North. Lee became the head of the army defending Richmond in the summer of 1862, and led it to victory and defeat until the close of the war in April 1865. The Army of the Potomac was led by six men in rapid succession until May 1863, when Meade assumed command. Robert E. Lee was the ablest soldier of the war. Indeed he takes high rank among the foremost military leaders of modern times. His ablest subordinate was "Stonewall" Jackson, who had no equal in executing orders in either army. The Confederates in the East, therefore, had the advantage in position, in organization, and in leadership. This was not the case in the West, at least not to anything like the same extent.

The War in the West.

Albert Sidney Johnston, the ablest Confederate commander in the West, was killed at Shiloh, in 1862. The only other man who seemed to be able to cope with Grant, Sherman, Thomas, or Sheridan, was Joseph E. Johnston; but he held no important command in the West until the Atlanta campaign, and he was removed from his place at the head of the defending army at the moment when his policy might have borne important fruit. To these facts, and to the nature of the country, which was more practicable for the invader, may be ascribed the successes of the Union armies in the West.

Statistics of the War.

In the closing chapter of his interesting sketch of the Civil War, Colonel Dodge gives some statistics, from which it is found that the Union soldiers were always more numerous than the Confederate soldiers. On July 1st, 1861, the Union armies contained one hundred and eighty-six thousand soldiers to some one hundred and fifty thousand in the Confederate armies. The highest number credited to the latter belligerent is six hundred and ninety thousand in June 1863, at which time the Union soldiers numbered nine hundred and eighteen thousand. From that time, the inequality steadily increased. In January 1864, the Union soldiers outnumbered their opponents two to one; at the beginning of 1865, the proportion was four to one. On March 31st, 1865, ten days before Lee's surrender, the Union soldiers numbered nine hundred and eighty thousand to one hundred and seventy-five thousand on the Confederate rolls. The Union soldiers, therefore, always outnumbered the Confederates. But this numerical preponderance was often more apparent than real. The Union soldiers performed many services, which in the Southern armies were done by slaves—such as constructing defensive works. Bearing this in mind it would not be far from the truth to say that in the earlier years of the war, the number of soldiers actually equipped and ready

to take their places in the fighting line was about the same on both sides. Even when this was not the case, the Confederates were able, by means of their shorter interior lines, to reinforce their armies at the most threatened points with greater ease and speed than their opponents, to which end their superior marching qualities also contributed. It was not until 1864 that the Union forces were really superior in numbers at all points. The sacrifices of the soldiers in the contending armies were enormous. Some figures have been already given. It may be well to add that about ninety-five thousand Union soldiers were killed or fatally wounded on the field of battle. One hundred and eighty thousand more succumbed to disease while on the army rolls. Adding to these all those who died from accident, or disappeared permanently, or died within a short time from wounds received in action, or from disease contracted while in the service, Colonel Dodge thinks that about half a million men were lost to the North and as many more to the South. The war, therefore, cost the American people the lives of one million men. These men perished in no less than two thousand four hundred actions which were of sufficient importance to receive names. The total cost of the war to the Union government was about three and one-half thousand millions of dollars—not including expenses incurred by the separate States or municipalities. From this estimate, too, payments for pensions, which are now being made at the rate of one hundred and fifty million dollars each year, are also excluded. Taking everything into consideration, the war for the Union cost the nation not less than ten thousand million dollars (two thousand million pounds sterling).

In the preceding pages we have seen how sixteen hundred thousand colonists living on the Atlantic seaboard of North America developed into a great nation stretching from the Atlantic to the Pacific. In the beginning many things made

against the establishment of a national government; the divergent interests of the several sections and the genius of the people were opposed to consolidation. Federation bridged over this difficulty for a time; but the necessities of the case demanded a stronger organization and in 1789 a government partly federal and partly national was substituted for the weak Confederation. A great change in economic conditions fastened the institution of slavery on the South at the time that slavery was disappearing in the North. The country was thus divided into two sections whose social and business interests were irreconcilable. The weaker section appealed to the old principles of federation pure and simple and repudiated the idea of nationality. The Civil War settled these two questions of slavery and nationality in favour of the North. The old issues on which political parties formed and fought disappeared in 1865. United under a government which had withstood the shock of this great conflict, the American people, with a hopefulness born of past successes and with a buoyancy peculiar to itself, looked forward to the solution of whatever problems the future might have in store.

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APPENDIX.

I.

THE VIRGINIA RESOLVES, 1769.

Resolves of the House of Burgesses, passed the 16th of May, 1769.

Resolved, *Nemine Contradicente*, That the sole right of imposing taxes on the inhabitants of this His Majesty's Colony and Dominion of Virginia is now, and ever hath been, legally and constitutionally vested in the House of Burgesses, lawfully convened, according to the ancient and established practice, with the consent of the Council, and of His Majesty, the King of Great Britain, or his Governor for the time being.

Resolved, *nemine contradicente*, That it is the undoubted privilege of the inhabitants of this colony to petition their Sovereign for redress of grievances; and that it is lawful and expedient to procure the concurrence of His Majesty's other colonies, in dutiful addresses, praying the royal interposition in favour of the violated rights of America.

Resolved, *nemine contradicente*, That all trials for treason, misprision of treason, or for any felony or crime whatsoever, committed and done in this His Majesty's said colony and dominion, by any person or persons residing therein, ought of right to be had, and conducted in and before His Majesty's courts, held within his said colony, according to the fixed and known course of proceeding; and that the seizing any person or persons residing in the colony, suspected of any crime whatsoever, committed therein, and sending such person or persons to places beyond the sea to be tried, is highly derogatory of the rights of British subjects, as thereby the inestimable privilege of being tried by a jury from the

vicinage, as well as the liberty of summoning and producing witnesses on such trial, will be taken away from the party accused.

Resolved, *nemine contradicente*, That an humble, dutiful and loyal address be presented to His Majesty, to assure him of our inviolable attachment to his sacred person and government; and to beseech his royal interposition, as the father of all his people, however remote from the seat of his empire, to quiet the minds of his loyal subjects of this colony, and to avert from them those dangers and miseries which will ensue, from the seizing and carrying beyond sea any person residing in America, suspected of any crime whatsoever, to be tried in any other manner than by the ancient and long established course of proceeding.

[The following order is likewise in their journal of that date.]

Ordered, That the speaker of this House do transmit, without delay, to the speakers of the several houses of Assembly on this continent, a copy of the resolutions now agreed to by this House, requesting their concurrence therein.

II.

THE DECLARATION OF INDEPENDENCE.

(*Adopted by the Continental Congress, July 4th, 1776.*)

In CONGRESS, July 4, 1776. The unanimous declaration of the thirteen united States of America.

WHEN in the Course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain un-

alienable Rights, that among these are Life, Liberty and the pursuit of Happiness. That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed,—That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness. Prudence, indeed, will dictate that Governments long established should not be changed for light and transient causes; and accordingly all experience hath shewn, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same Object evinces a design to reduce them under absolute Despotism, it is their right, it is their duty, to throw off such Government, and to provide new Guards for their future security. Such has been the patient sufferance of these Colonies; and such is now the necessity which constrains them to alter their former Systems of Government. The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute Tyranny over these States. To prove this, let Facts be submitted to a candid world.

He has refused his Assent to Laws, the most wholesome and necessary for the public good.

He has forbidden his Governors to pass Laws of immediate and pressing importance, unless suspended in their operation till his Assent should be obtained; and when so suspended, he has utterly neglected to attend to them.

He has refused to pass other Laws for the accommodation of large districts of people, unless those people would relinquish the right of Representation in the Legislature, a right inestimable to them and formidable to tyrants only.

He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their public Records, for the sole purpose of fatiguing them into compliance with his measures.

He has dissolved Representative Houses repeatedly, for opposing with manly firmness his invasions on the rights of the people.

He has refused for a long time, after such dissolutions, to cause others to be elected; whereby the Legislative powers, incapable of Annihilation, have returned to the People at large for their exercise; the State remaining in the mean time exposed to all the dangers of invasion from without, and convulsions within.

He has endeavoured to prevent the population of these States; for that purpose obstructing the Laws for Naturalization of Foreigners; refusing to pass others to encourage their migration hither, and raising the conditions of new Appropriations of Lands.

He has obstructed the Administration of Justice, by refusing his Assent to Laws for establishing Judiciary powers.

He has made Judges dependent on his Will alone, for the tenure of their offices, and the amount and payment of their salaries.

He has erected a multitude of New Offices, and sent hither swarms of Officers to harass our people, and eat out their substance.

He has kept among us, in times of peace, Standing Armies without the Consent of our legislatures.

He has affected to render the Military independent of and superior to the Civil power.

He has combined with others to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws; giving his Assent to their Acts of pretended Legislation:

For quartering large bodies of armed troops among us:

For protecting them, by a mock Trial, from punishment, for any Murders which they should commit on the Inhabitants of these States:

For cutting off our Trade with all parts of the world:

For imposing Taxes on us without our Consent:

For depriving us in many cases, of the benefits of Trial by Jury:

For transporting us beyond Seas to be tried for pretended offences:

For abolishing the free System of English Laws in a neighbouring Province, establishing therein an Arbitrary government, and enlarging its Boundaries so as to render it at once an example

and fit instrument for introducing the same absolute rule into these Colonies:

For taking away our Charters, abolishing our most valuable Laws, and altering fundamentally the Forms of our Governments:

For suspending our own Legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever.

He has abdicated Government here, by declaring us out of his Protection and waging War against us.

He has plundered our seas, ravaged our Coasts, burnt our towns, and destroyed the lives of our people.

He is at this time transporting large Armies of foreign Mercenaries to compleat the works of death, desolation and tyranny, already begun with circumstances of Cruelty & perfidy scarcely paralleled in the most barbarous ages, and totally unworthy the Head of a civilized nation.

He has constrained our fellow Citizens taken Captive on the high Seas to bear Arms against their Country, to become the executioners of their friends and Brethren, or to fall themselves by their Hands.

He has excited domestic insurrections amongst us, and has endeavoured to bring on the inhabitants of our frontiers, the merciless Indian Savages, whose known rule of warfare, is an undistinguished destruction of all ages, sexes and conditions.

In every stage of these Oppressions We have Petitioned for Redress in the most humble terms: Our repeated Petitions have been answered only by repeated injury. A Prince, whose character is thus marked by every act which may define a Tyrant, is unfit to be the ruler of a free people.

Nor have We been wanting in attentions to our Brittish brethren. We have warned them from time to time of attempts by their legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them by the ties of our common kindred to disavow these usurpations, which would inevitably interrupt our connections and correspondence They too have been deaf to the voice of justice and of consanguinity. We must, therefore, acquiesce in the necessity, which denounces our

Separation, and hold them, as we hold the rest of mankind, Enemies in War, in Peace Friends.

We, therefore, the REPRESENTATIVES of the **united States of America,** in GENERAL CONGRESS, Assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the Name, and by Authority of the good People of these Colonies, solemnly PUBLISH and DECLARE, That these United Colonies are, and of Right ought to be **Free and Independent States**; that they are Absolved from all Allegiance to the British Crown, and that all political connection between them and the State of Great Britain, is and ought to be totally dissolved; and that as FREE AND INDEPENDENT STATES, they have full Power to levy War, conclude Peace, contract Alliances, establish Commerce, and to do all other Acts and Things which INDEPENDENT STATES may of right do. And for the support of this Declaration, with a firm reliance on the protection of divine Providence, we mutually pledge to each other our Lives, our Fortunes and our sacred Honor.

JOHN HANCOCK.

[1][*New Hampshire.*]

JOSIAH BARTLETT,
WILLIAM WHIPPLE,
MATTHEW THORNTON.

[*Massachusetts Bay.*]

SAMUEL ADAMS,
JOHN ADAMS,
ROBERT TREAT PAINE,
ELBRIDGE GERRY.

[*Rhode Island.*]

STEPHEN HOPKINS,
WILLIAM ELLERY.

[*Connecticut.*]

ROGER SHERMAN,
SAMUEL HUNTINGTON,
WILLIAM WILLIAMS,
OLIVER WOLCOTT.

[*New York.*]

WILLIAM FLOYD,
PHILIP LIVINGSTON,
FRANCIS LEWIS,
LEWIS MORRIS.

[*New Jersey.*]

RICHARD STOCKTON,
JOHN WITHERSPOON,
FRANCIS HOPKINSON,
JOHN HART,
ABRAHAM CLARK.

[1] This arrangement of the names is made for convenience. The States are not mentioned in the original.

[*Pennsylvania.*]

ROBERT MORRIS,
BENJAMIN RUSH,
BENJAMIN FRANKLIN,
JOHN MORTON,
GEORGE CLYMER,
JAMES SMITH,
GEORGE TAYLOR,
JAMES WILSON,
GEORGE ROSS.

[*Delaware.*]

CÆSAR RODNEY,
GEORGE READ,
THOMAS M'KEAN.

[*Maryland.*]

SAMUEL CHASE,
WILLIAM PACA,
THOMAS STONE,
CHARLES CARROLL of Carrollton.

[*Virginia.*]

GEORGE WYTHE,
RICHARD HENRY LEE,
THOMAS JEFFERSON,
BENJAMIN HARRISON,
THOMAS NELSON, JR.,
FRANCIS LIGHTFOOT LEE,
CARTER BRAXTON.

[*North Carolina.*]

WILLIAM HOOPER,
JOSEPH HEWES,
JOHN PENN.

[*South Carolina.*]

EDWARD RUTLEDGE,
THOMAS HEYWARD, JR.,
THOMAS LYNCH, JR.,
ARTHUR MIDDLETON.

[*Georgia.*]

BUTTON GWINNETT,
LYMAN HALL,
GEO. WALTON.

III.

ARTICLES OF CONFEDERATION[1].

(*Adopted by Congress, July 9th, 1778.*)

To all to Whom

these Presents shall come, we the undersigned Delegates of the States affixed to our Names send greeting. Whereas the Delegates of the United States of America in Congress assembled did on the fifteenth day of November in the Year of Our Lord One thousand

[1] From *American History Leaflets*, No. 20.

seven Hundred and Seventy seven, and in the second Year of the Independence of America agree to certain articles of Confederation and perpetual Union between the States of Newhampshire, Massachusetts-bay, Rhodeisland and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North-Carolina, South-Carolina, and Georgia, in the Words following, viz. "ARTICLES OF CONFEDERATION and perpetual Union between the States of Newhampshire, Massachusetts-bay, Rhodeisland and Providence Plantations, Connecticut, New-York, New-Jersey, Pennsylvania, Delaware, Maryland, Virginia, North-Carolina, South-Carolina, and Georgia.

ARTICLE I. The Stile of this confederacy shall be "THE UNITED STATES OF AMERICA."

ARTICLE II. Each state retains its sovereignty, freedom and independence, and every Power, Jurisdiction and right, which is not by this confederation expressly delegated to the United States, in Congress assembled.

ARTICLE III. The said states hereby severally enter into a firm league of friendship with each other, for their common defence, the security of their Liberties, and their mutual and general welfare, binding themselves to assist each other, against all force offered to, or attacks made upon them, or any of them, on account of religion, sovereignty, trade, or any other pretence whatever.

ARTICLE IV. The better to secure and perpetuate mutual friendship and intercourse among the people of the different states in this union, the free inhabitants of each of these states, paupers, vagabonds, and fugitives from Justice excepted, shall be entitled to all privileges and immunities of free citizens in the several states; and the people of each state shall have free ingress and regress to and from any other state, and shall enjoy therein all the privileges of trade and commerce, subject to the same duties, impositions and restrictions as the inhabitants thereof respectively, provided that such restriction shall not extend so far as to prevent the removal of property imported into any state, to any other state of which the Owner is an inhabitant; provided also that no imposition, duties or restriction shall be laid by any state, on the property of the united states, or either of them.

If any Person be guilty of, or charged with treason felony,

or other high misdemeanor in any state, shall flee from Justice, and be found in any of the united states, he shall upon demand of the Governor or executive power, of the state from which he fled, be delivered up and removed to the state having jurisdiction of his offence.

Full faith and credit shall be given in each of these states to the records, acts and judicial proceedings of the courts and magistrates of every other state.

ARTICLE V. For the more convenient management of the general interest of the united states, delegates shall be annually appointed in such manner as the legislature of each state shall direct, to meet in Congress on the first Monday in November, in every year, with a power reserved to each state, to recal its delegates, or any of them, at any time within the year, and to send others in their stead, for the remainder of the Year.

No state shall be represented in Congress by less than two, nor by more than seven Members; and no person shall be capable of being a delegate for more than three years in any term of six years; nor shall any person, being a delegate, be capable of holding any office under the united states, for which he, or another for his benefit receives any salary, fees or emolument of any kind.

Each state shall maintain its own delegates in a meeting of the states, and while they act as members of the committee of the states.

In determining questions in the united states, in Congress assembled, each state shall have one vote.

Freedom of speech and debate in congress shall not be impeached or questioned in any Court, or place out of Congress, and the members of Congress shall be protected in their persons from arrests and imprisonments, during the time of their going to and from, and attendance on congress, except for treason, felony, or breach of the peace.

ARTICLE VI. No state without the Consent of the united states in congress assembled, shall send any embassy to, or receive any embassy from, or enter into any conference, agreement, alliance or treaty with any King prince or state; nor shall any person holding any office of profit or trust under the united states, or any of them, accept of any present, emolument, office or title of any kind whatever from any king, prince or foreign state; nor

shall the united states in congress assembled, or any of them, grant any title of nobility.

No two or more states shall enter into any treaty, confederation or alliance whatever between them, without the consent of the united states in congress assembled, specifying accurately the purpose for which the same is to be entered into, and how long it shall continue.

No state shall lay any imposts or duties, which may interfere with any stipulations in treaties, entered into by the united states in congress assembled, with any king, prince or state, in pursuance of any treaties already proposed by congress, to the courts of France and Spain.

No vessels of war shall be kept up in time of peace by any state, except such number only, as shall be deemed necessary by the united states in congress assembled, for the defence of such state, or its trade; nor shall any body of forces be kept up by any state, in time of peace, except such number only, as in the judgment of the united states, in congress assembled, shall be deemed requisite to garrison the forts necessary for the defence of such state; but every state shall always keep up a well regulated and disciplined militia, sufficiently armed and accoutred, and shall provide and constantly have ready for use, in public stores, a due number of field pieces and tents, and a proper quantity of arms, ammunition and camp equipage.

No state shall engage in any war without the consent of the united states in congress assembled, unless such state be actually invaded by enemies, or shall have received certain advice of a resolution being formed by some nation of Indians to invade such state, and the danger is so imminent as not to admit of a delay, till the united states in congress assembled can be consulted: nor shall any state grant commissions to any ships or vessels of war, nor letters of marque or reprisal, except it be after a declaration of war by the united states in congress assembled, and then only against the kingdom or state and the subjects thereof, against which war has been so declared, and under such regulations as shall be established by the united states in congress assembled, unless such state be infested by pirates, in which case vessels of war may be fitted out for that occasion, and kept so long as the

danger shall continue, or until the united states in congress assembled shall determine otherwise.

ARTICLE VII. When land-forces are raised by any state for the common defence, all officers of or under the rank of colonel, shall be appointed by the legislature of each state respectively by whom such forces shall be raised, or in such manner as such state shall direct, and all vacancies shall be filled up by the state which first made the appointment.

ARTICLE VIII. All charges of war, and all other expences that shall be incurred for the common defence or general welfare, and allowed by the united states in congress assembled, shall be defrayed out of a common treasury, which shall be supplied by the several states, in proportion to the value of all land within each state, granted to or surveyed for any Person, as such land and the buildings and improvements thereon shall be estimated according to such mode as the united states in congress assembled, shall from time to time, direct and appoint. The taxes for paying that proportion shall be laid and levied by the authority and direction of the legislatures of the several states within the time agreed upon by the united states in congress assembled.

ARTICLE IX. The united states in congress assembled, shall have the sole and exclusive right and power of determining on peace and war, except in the cases mentioned in the sixth article—of sending and receiving ambassadors—entering into treaties and alliances, provided that no treaty of commerce shall be made whereby the legislative power of the respective states shall be restrained from imposing such imposts and duties on foreigners, as their own people are subjected to, or from prohibiting the exportation or importation of any species of goods or commodities whatsoever—of establishing rules for deciding in all cases, what captures on land or water shall be legal, and in what manner prizes taken by land or naval forces in the service of the united states shall be divided or appropriated—of granting letters of marque and reprisal in times of peace—appointing courts for the trial of piracies and felonies committed on the high seas and establishing courts for receiving and determining finally appeals in all cases of captures, provided that no member of congress shall be appointed a judge of any of the said courts.

The united states in congress assembled shall also be the last resort on appeal in all disputes and differences now subsisting or that hereafter may arise between two or more states concerning boundary, jurisdiction or any other cause whatever; which authority shall always be exercised in the manner following. WHENEVER the legislative or executive authority or lawful agent of any state in controversy with another shall present a petition to congress, stating the matter in question and praying for a hearing, notice thereof shall be given by order of congress to the legislative or executive authority of the other state in controversy, and a day assigned for the appearance of the parties by their lawful agents, who shall then be directed to appoint by joint consent, commissioners or judges to constitute a court for hearing and determining the matter in question: but if they cannot agree, congress shall name three persons out of each of the united states, and from the list of such persons each party shall alternately strike out one, the petitioners beginning, until the number shall be reduced to thirteen; and from that number not less than seven, nor more than nine names as congress shall direct, shall in the presence of congress be drawn out by lot, and the persons whose names shall be so drawn or any five of them, shall be commissioners or judges, to hear and finally determine the controversy, so always as a major part of the judges who shall hear the cause shall agree in the determination: and if either party shall neglect to attend at the day appointed, without shewing reasons, which congress shall judge sufficient, or being present shall refuse to strike, the congress shall proceed to nominate three persons out of each state, and the secretary of congress shall strike in behalf of such party absent or refusing; and the judgment and sentence of the court to be appointed, in the manner before prescribed, shall be final and conclusive; and if any of the parties shall refuse to submit to the authority of such court, or to appear or defend their claim or cause, the court shall nevertheless proceed to pronounce sentence, or judgment, which shall in like manner be final and decisive, the judgment or sentence and other proceedings being in either case transmitted to congress, and lodged among the acts of congress for the security of the parties concerned: provided that every commissioner, before he sits in judgment, shall take an

oath to be administered by one of the judges of the supreme or superior court of the state, where the cause shall be tried, "well and truly to hear and determine the matter in question, according to the best of his judgment, without favour, affection or hope of reward:" provided also that no state shall be deprived of territory for the benefit of the united states.

All controversies concerning the private right of soil claimed under different grants of two or more states, whose jurisdictions as they may respect such lands, and the states which passed such grants are adjusted, the said grants or either of them being at the same time claimed to have originated antecedent to such settlement of jurisdiction, shall on the petition of either party to the congress of the united states, be finally determined as near asmaybe in the same manner as is before prescribed for deciding disputes respecting territorial jurisdiction between different states.

The united states in congress assembled shall also have the sole and exclusive right and power of regulating the alloy and value of coin struck by their own authority, or by that of the respective states—fixing the standard of weights and measures throughout the United States—regulating the trade and manageing all affairs with the Indians, not members of any of the states, provided that the legislative right of any state within its own limits be not infringed or violated—establishing and regulating post-offices from one state to another, throughout all the united states, and exacting such postage on the papers passing thro' the same as may be requisite to defray the expences of the said office—appointing all officers of the land forces, in the service of the united states, excepting regimental officers—appointing all the officers of the naval forces, and commissioning all officers whatever in the service of the united states—making rules for the government and regulation of the said land and naval forces, and directing their operations.

The united states in congress assembled shall have authority to appoint a committee, to sit in the recess of congress, to be denominated "A Committee of the States," and to consist of one delegate from each state; and to appoint such other committees and civil officers as may be necessary for manageing the general affairs of the united states under their direction—to appoint one

of their number to preside, provided that no person be allowed to serve in the office of president more than one year in any term of three years; to ascertain the necessary sums of Money to be raised for the service of the united states, and to appropriate and apply the same for defraying the public expences—to borrow money, or emit bills on the credit of the united states, transmitting every half year to the respective states an account of the sums of money so borrowed or emitted,—to build and equip a navy—to agree upon the number of land forces, and to make requisitions from each state for its quota, in proportion to the number of white inhabitants in such state; which requisition shall be binding, and thereupon the legislature of each state shall appoint the regimental officers, raise the men and cloath, arm and equip them in a soldier like manner, at the expence of the united states; and the officers and men so cloathed, armed and equipped shall march to the place appointed, and within the time agreed on by the united states in congress assembled: But if the united states in congress assembled shall, on consideration of circumstances judge proper that any state should not raise men, or should raise a smaller number than its quota, and that any other state should raise a greater number of men than the quota thereof, such extra number shall be raised, officered, cloathed, armed and equipped in the same manner as the quota of such state, unless the legislature of such state shall judge that such extra number cannot be safely spared out of the same, in which case they shall raise officer, cloath, arm and equip as many of such extra number as they judge can be safely spared. AND the officers and men so cloathed, armed and equipped, shall march to the place appointed, and within the time agreed on by the united states in congress assembled.

The united states in congress assembled shall never engage in a war, nor grant letters of marque and reprisal in time of peace, nor enter into any treaties or alliances, nor coin money, nor regulate the value thereof, nor ascertain the sums and expences necessary for the defence and welfare of the united states, or any of them, nor emit bills, nor borrow money on the credit of the united states, nor appropriate money, nor agree upon the number of vessels of war, to be built or purchased, or the number of land

or sea forces to be raised, nor appoint a commander in chief of the army or navy, unless nine states assent to the same: nor shall a question on any other point, except for adjourning from day to day be determined, unless by the votes of a majority of the united states in congress assembled.

The congress of the united states shall have power to adjourn to any time within the year, and to any place within the united states, so that no period of adjournment be for a longer duration than the space of six months, and shall publish the Journal of their proceedings monthly, except such parts thereof relating to treaties, alliances or military operations, as in their judgment require secrecy; and the yeas and nays of the delegates of each state on any question shall be entered on the Journal, when it is desired by any delegate; and the delegates of a state, or any of them, at his or their request shall be furnished with a transcript of the said Journal, except such parts as are above excepted, to lay before the legislatures of the several states.

ARTICLE X. The committee of the states, or any nine of them, shall be authorized to execute, in the recess of congress, such of the powers of congress as the united states in congress assembled, by the consent of nine states, shall from time to time think expedient to vest them with; provided that no power be delegated to the said committee, for the exercise of which, by the articles of confederation, the voice of nine states in the congress of the united states assembled is requisite.

ARTICLE XI. Canada acceding to this confederation, and joining in the measures of the united states, shall be admitted into, and entitled to all the advantages of this union: but no other colony shall be admitted into the same, unless such admission be agreed to by nine states.

ARTICLE XII. All bills of credit emitted, monies borrowed and debts contracted by, or under the authority of congress, before the assembling of the united states, in pursuance of the present confederation, shall be deemed and considered as a charge against the united states, for payment and satisfaction whereof the said united states, and the public faith are hereby solemnly pledged.

ARTICLE XIII. Every state shall abide by the determinations of the united states in congress assembled, on all questions which

by this confederation are submitted to them. AND the Articles of this confederation shall be inviolably observed by every state, and the union shall be perpetual; nor shall any alteration at any time hereafter be made in any of them; unless such alteration be agreed to in a congress of the united states, and be afterwards confirmed by the legislatures of every state.

And Whereas it hath pleased the Great GOVERNOR of the World to incline the hearts of the legislatures we respectively represent in congress, to approve of, and to authorize us to ratify the said articles of confederation and perpetual union, know ye that we the undersigned delegates, by virtue of the power and authority to us given for that purpose, do by these presents, in the name and in behalf of our respective constituents, fully and entirely ratify and confirm each and every of the said articles of confederation and perpetual union, and all and singular the matters and things therein contained: AND we do further solemnly plight and engage the faith of our respective constituents, that they shall abide by the determinations of the united states in congress assembled, on all questions, which by the said confederation are submitted to them. AND that the articles thereof shall be inviolably observed by the states we respectively represent, and that the union shall be perpetual. IN WITNESS whereof we have hereunto set our hands in Congress. Done at Philadelphia in the state of Pennsylvania the ninth Day of July in the Year of our Lord one Thousand seven Hundred and Seventy eight, and in the third year of the independence of America.

On the part & behalf of the State of Delaware	Thos M. Kean Feb 12. 1779 John Dickinson, May 5th 1779 Nicholas VanDyke,
On the part and behalf of the State of Maryland	John Hanson March 1st 1781 Daniel Carroll. do.
On the Part and Behalf of the State of Virginia	Richard Henry Lee John Bannister Thomas Adams Jno Harvie Francis Lightfoot Lee
On the part and Behalf of the State of No. Carolina	John Penn July 21st 1778 Corns Harnett Jno. Williams

On the part and behalf of the State of South-Carolina	Henry Laurens William Henry Drayton Jno. Mathews Richd. Hudson Thos. Heyward Junr.
On the part and behalf of the State of Georgia	Jno Walton 24th July 1778 Edwd. Telfair Edwd. Langworthy.
On the part & behalf of the State of New Hampshire	Josiah Bartlett, John Wentworth Junr August 8th 1778
On the part and behalf of the State of Massachusetts Bay	John Hancock. Samuel Adams Elbridge Gerry. Frances Dana James Lovell Samuel Holten.
On the part and behalf of the State of Rhode-Island and Providence Plantations	William Ellery Henry Marchant John Collins
On the Part and behalf of the State of Connecticut	Roger Sherman, Samuel Huntington Oliver Wolcott Titus Hosmer Andrew Stearns
On the Part and Behalf of the State of New York	Jas. Duane. Fras. Lewis Wm Duer. Gouv. Morris,
On the Part and in Behalf of the State of New Jersey. Novr. 26, 1778	Jno Witherspoon Nath. Scudder
On the part and behalf of the State of Pennsylvania	Robt Morris. Daniel Roberdeau Jon. Bayard Smith William Clingan Joseph Reed, 22nd July 1778

—*Manuscript Roll in the Library of the Department of State.*

MARCH 1, 1781. THE CONFEDERATION COMPLETED.

According to the order of the day the Honble John Hanson and Daniel Carroll two of the delegates for the State of Maryland in pursuance of the act of the legislature of that state entitled "An Act to empower the delegates of this state in Congress to subscribe and ratify the Articles of Confederation" which was read in Congress the 12 of February last and a copy thereof entered on the minutes did in behalf of the said state of Maryland sign and ratify the said articles, by which act the Confederation of the United States of America was compleated, each and every of the thirteen united states from Newhampshire to Georgia both included having adopted and confirmed and by their delegates in Congress ratified the same.—*Manuscript Journal of Congress*, Vol. 30.

IV.

CONSTITUTION OF THE UNITED STATES WITH THE AMENDMENTS[1].

WE THE PEOPLE of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this CONSTITUTION for the United States of America.

ARTICLE. I.

SECTION. 1. All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

SECTION. 2. The House of Representatives shall be composed of Members chosen every second Year by the People of the several

[1] Reprinted from the *American History Leaflets*, No. 8, published by A. Lovell and Co., New York.

States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

No Person shall be a Representative who shall not have attained to the Age of twenty five Years, and been seven Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State in which he shall be chosen.

Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, three fifths of all other Persons. The actual Enumeration shall be made within three Years after the first Meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such Manner as they shall by Law direct. The Number of Representatives shall not exceed one for every thirty Thousand, but each State shall have at Least one Representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to chuse three, Massachusetts eight, Rhode-Island and Providence Plantations one, Connecticut five, New-York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

When vacancies happen in the Representation from any State, the Executive Authority thereof shall issue Writs of Election to fill such Vacancies.

The House of Representatives shall chuse their Speaker and other Officers; and shall have the sole Power of Impeachment.

SECTION. 3. The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six Years; and each Senator shall have one Vote.

Immediately after they shall be assembled in Consequence of the first Election, they shall be divided as equally as may be into three Classes. The Seats of the Senators of the first Class shall be vacated at the Expiration of the second Year, of the second Class at the Expiration of the fourth Year, and of the third Class at the Expiration of the sixth Year, so that one third

may be chosen every second Year; and if Vacancies happen by Resignation, or otherwise, during the Recess of the Legislature of any State, the Executive thereof may make temporary Appointments until the next Meeting of the Legislature, which shall then fill such Vacancies.

No Person shall be a Senator who shall not have attained to the Age of thirty Years, and been nine Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State for which he shall be chosen.

The Vice President of the United States shall be President of the Senate, but shall have no Vote, unless they be equally divided.

The Senate shall chuse their other Officers, and also a President pro tempore, in the Absence of the Vice President, or when he shall exercise the Office of President of the United States.

The Senate shall have the sole Power to try all Impeachments. When sitting for that Purpose, they shall be on Oath or Affirmation. When the President of the United States is tried, the Chief Justice shall preside: And no Person shall be convicted without the Concurrence of two thirds of the Members present.

Judgment in Cases of Impeachment shall not extend further than to removal from Office, and disqualification to hold and enjoy any Office of honor, Trust or Profit under the United States: but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment, according to Law.

SECTION. 4. The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of chusing Senators.

The Congress shall assemble at least once in every Year, and such Meeting shall be on the first Monday in December, unless they shall by Law appoint a different Day.

SECTION. 5. Each House shall be the Judge of the Elections, Returns and Qualifications of its own Members, and a Majority of each shall constitute a Quorum to do Business; but a smaller Number may adjourn from day to day, and may be authorized to

compel the Attendance of absent Members, in such Manner, and under such Penalties as each House may provide.

Each House may determine the Rules of its Proceedings, punish its Members for disorderly Behaviour, and, with the Concurrence of two thirds, expel a Member.

Each House shall keep a Journal of its Proceedings, and from time to time publish the same, excepting such Parts as may in their Judgment require Secrecy; and the Yeas and Nays of the Members of either House on any question shall, at the Desire of one fifth of those Present, be entered on the Journal.

Neither House, during the Session of Congress, shall, without the Consent of the other, adjourn for more than three days, nor to any other Place than that in which the two Houses shall be sitting.

SECTION. 6. The Senators and Representatives shall receive a Compensation for their Services, to be ascertained by Law, and paid out of the Treasury of the United States. They shall in all Cases, except Treason, Felony and Breach of the Peace, be privileged from Arrest during their Attendance at the Session of their respective Houses, and in going to and returning from the same; and for any Speech or Debate in either House, they shall not be questioned in any other Place.

No Senator or Representative shall, during the Time for which he was elected, be appointed to any civil Office under the Authority of the United States, which shall have been created, or the Emoluments whereof shall have been encreased during such time; and no Person holding any Office under the United States, shall be a Member of either House during his Continuance in Office.

SECTION. 7. All Bills for raising Revenue shall originate in the House of Representatives; but the Senate may propose or concur with Amendments as on other Bills.

Every Bill which shall have passed the House of Representatives and the Senate, shall, before it become a Law, be presented to the President of the United States; If he approve he shall sign it, but if not he shall return it, with his Objections to that House in which it shall have originated, who shall enter the Objections at large on their Journal, and proceed to reconsider

it. If after such Reconsideration two thirds of that House shall agree to pass the Bill, it shall be sent, together with the Objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a Law. But in all such Cases the Votes of both Houses shall be determined by Yeas and Nays, and the Names of the Persons voting for and against the Bill shall be entered on the Journal of each House respectively. If any Bill shall not be returned by the President within ten Days (Sundays excepted) after it shall have been presented to him, the same shall be a Law, in like Manner as if he had signed it, unless the Congress by their Adjournment prevent its Return, in which Case it shall not be a Law.

Every Order, Resolution, or Vote to which the Concurrence of the Senate and House of Representatives may be necessary (except on a question of Adjournment) shall be presented to the President of the United States; and before the same shall take Effect, shall be approved by him, or being disapproved by him, shall be repassed by two thirds of the Senate and House of Representatives, according to the Rules and Limitations prescribed in the Case of a Bill.

SECTION. 8. The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;

To borrow Money on the credit of the United States;

To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;

To establish an uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States;

To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures;

To provide for the Punishment of counterfeiting the Securities and current Coin of the United States;

To establish Post Offices and post Roads;

To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries;

To constitute Tribunals inferior to the supreme Court;

To define and punish Piracies and Felonies committed on the high Seas, and Offences against the Law of Nations;

To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water;

To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer term than two Years;

To provide and maintain a Navy;

To make Rules for the Government and Regulation of the land and naval Forces;

To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions;

To provide for organising, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress;

To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings;—And

To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

SECTION. 9. The Migration or Importation of such Persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the Year one thousand eight hundred and eight, but a Tax or duty may be imposed on such Importation, not exceeding ten dollars for each Person.

The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.

No Bill of Attainder or ex post facto Law shall be passed.

No Capitation, or other direct, Tax shall be laid, unless in Proportion to the Census or Enumeration herein before directed to be taken.

No Tax or Duty shall be laid on Articles exported from any State.

No Preference shall be given by any Regulation of Commerce or Revenue to the Ports of one State over those of another: nor shall Vessels bound to, or from, one State, be obliged to enter, clear, or pay Duties in another.

No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.

No Title of Nobility shall be granted by the United States: And no Person holding any Office of Profit or Trust under them, shall, without the Consent of the Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State.

SECTION. 10. No State shall enter into any Treaty, Alliance, or Confederation; grant Letters of Marque and Reprisal; coin Money; emit Bills of Credit; make any Thing but gold and silver Coin a Tender in Payment of Debts; pass any Bill of Attainder, ex post facto Law, or Law impairing the Obligation of Contracts, or grant any Title of Nobility.

No State shall, without the Consent of the Congress, lay any Imposts or Duties on Imports or Exports, except what may be absolutely necessary for executing its inspection Laws: and the net Produce of all Duties and Imposts, laid by any State on Imports or Exports, shall be for the Use of the Treasury of the United States; and all such Laws shall be subject to the Revision and Controul of the Congress.

No State shall, without the Consent of Congress, lay any Duty of Tonnage, keep Troops, or Ships of War in time of Peace, enter into any Agreement or Compact with another State, or with a foreign Power, or engage in War, unless actually invaded, or in such imminent Danger as will not admit of delay.

ARTICLE. II.

SECTION. 1. The executive Power shall be vested in a President of the United States of America. He shall hold his Office during the Term of four Years, and, together with the Vice President, chosen for the same Term, be elected, as follows

Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector.

The Electors shall meet in their respective States, and vote by Ballot for two Persons, of whom one at least shall not be an Inhabitant of the same State with themselves. And they shall make a List of all the Persons voted for, and of the Number of Votes for each; which List they shall sign and certify, and transmit sealed to the Seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the Presence of the Senate and House of Representatives, open all the Certificates, and the Votes shall then be counted. The Person having the greatest Number of Votes shall be the President, if such Number be a Majority of the whole Number of Electors appointed; and if there be more than one who have such Majority, and have an equal Number of Votes, then the House of Representatives shall immediately chuse by Ballot one of them for President; and if no Person have a Majority, then from the five highest on the List the said House shall in like Manner chuse the President. But in chusing the President, the Votes shall be taken by States, the Representation from each State having one Vote; A quorum for this Purpose shall consist of a Member or Members from two thirds of the States, and a Majority of all the States shall be necessary to a Choice. In every Case, after the Choice of the President, the Person having the greatest Number of Votes of the Electors shall be the Vice President. But if there should remain two or more who have equal Votes, the Senate shall chuse from them by Ballot the Vice President.

The Congress may determine the Time of chusing the Electors,

and the Day on which they shall give their Votes; which Day shall be the same throughout the United States.

No Person except a natural born Citizen, or a Citizen of the United States, at the time of the Adoption of this Constitution, shall be eligible to the Office of President; neither shall any Person be eligible to that Office who shall not have attained to the Age of thirty five Years, and been fourteen Years a Resident within the United States.

In Case of the Removal of the President from Office, or of his Death, Resignation, or Inability to discharge the Powers and Duties of the said Office, the Same shall devolve on the Vice President, and the Congress may by Law provide for the Case of Removal, Death, Resignation, or Inability, both of the President and Vice President, declaring what Officer shall then act as President, and such Officer shall act accordingly, until the Disability be removed, or a President shall be elected.

The President shall, at stated Times, receive for his Services, a Compensation, which shall neither be encreased nor diminished during the Period for which he shall have been elected, and he shall not receive within that Period any other Emolument from the United States, or any of them.

Before he enter on the Execution of his Office, he shall take the following Oath or Affirmation:—

"I do solemnly swear (or affirm) that I will faithfully execute "the Office of President of the United States, and will to the best "of my Ability, preserve, protect and defend the Constitution of "the United States."

SECTION. 2. The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States; he may require the Opinion, in writing, of the principal Officer in each of the executive Departments, upon any Subject relating to the Duties of their respective Offices, and he shall have Power to grant Reprieves and Pardons for Offences against the United States, except in Cases of Impeachment.

He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur; and he shall nominate, and by and with the

Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law: but the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.

The President shall have Power to fill up all Vacancies that may happen during the Recess of the Senate, by granting Commissions which shall expire at the End of their next Session.

SECTION. 3. He shall from time to time give to the Congress Information of the State of the Union, and recommend to their Consideration such Measures as he shall judge necessary and expedient; he may, on extraordinary Occasions, convene both Houses, or either of them, and in Case of Disagreement between them, with Respect to the Time of Adjournment, he may adjourn them to such Time as he shall think proper; he shall receive Ambassadors and other public Ministers; he shall take Care that the Laws be faithfully executed, and shall Commission all the Officers of the United States.

SECTION. 4. The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.

ARTICLE III.

SECTION. 1. The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour, and shall, at stated Times, receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office.

SECTION. 2. The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority;—to all Cases affecting Ambassadors, other public Ministers and Consuls;—to all Cases of admiralty and maritime

Jurisdiction ;—to Controversies to which the United States shall be a Party ;—to Controversies between two or more States ;—between a State and Citizens of another State ;—between Citizens of different States,—between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.

In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the supreme Court shall have original Jurisdiction. In all the other Cases before mentioned, the supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.

The Trial of all Crimes, except in Cases of Impeachment, shall be by Jury ; and such Trial shall be held in the State where the said Crimes shall have been committed ; but when not committed within any State, the Trial shall be at such Place or Places as the Congress may by Law have directed.

SECTION. 3. Treason against the United States, shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort. No Person shall be convicted of Treason unless on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court.

The Congress shall have Power to declare the Punishment of Treason, but no Attainder of Treason shall work Corruption of Blood, or Forfeiture except during the Life of the Person attainted.

ARTICLE. IV.

SECTION. 1. Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State. And the Congress may by general Laws prescribe the Manner in which such Acts, Records and Proceedings shall be proved, and the Effect thereof.

SECTION. 2. The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States.

A Person charged in any State with Treason, Felony, or other Crime, who shall flee from Justice, and be found in another State, shall on Demand of the executive Authority of the State from

which he fled, be delivered up, to be removed to the State having Jurisdiction of the Crime.

No person held to Service or Labour in one State, under the Laws thereof, escaping into another, shall, in Consequence of any Law or Regulation therein, be discharged from such Service or Labour, but shall be delivered up on Claim of the Party to whom such Service or Labour may be due.

SECTION. 3. New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the Jurisdiction of any other State; nor any State be formed by the Junction of two or more States, or Parts of States, without the Consent of the Legislatures of the States concerned as well as of the Congress.

The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

SECTION. 4. The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion; and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic Violence.

ARTICLE. V.

The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; Provided that no Amendment which may be made prior to the Year One thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article; and that no State, without its Consent, shall be deprived of its equal Suffrage in the Senate.

ARTICLE. VI.

All Debts contracted and Engagements entered into, before the Adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.

This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.

ARTICLE. VII.

The Ratification of the Conventions of nine States, shall be sufficient for the Establishment of this Constitution between the States so ratifying the Same.

[Note of the draughtsman as to interlineations in the text of the manuscript.]

Attest

WILLIAM JACKSON
Secretary.

DONE in Convention by the Unanimous Consent of the States present the Seventeenth Day of September in the Year of our Lord one thousand seven hundred and Eighty seven and of the Independence of the United States of America the Twelfth In Witness whereof We have hereunto subscribed our names.

G° WASHINGTON—
Presidt and deputy from Virginia.

[The authenticity of the instrument was further attested by the signatures of thirty-eight members.]

THE AMENDMENTS.

ARTICLES in addition to and Amendment of the Constitution of the United States of America, proposed by Congress, and ratified by the Legislatures of the several States, pursuant to the fifth Article of the original Constitution[1].

[1] This heading appears only in the joint resolution submitting the first ten amendments.

[ARTICLE I.]

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

[ARTICLE II.]

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

[ARTICLE III.]

No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

[ARTICLE IV.]

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

[ARTICLE V.]

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

[ARTICLE VI.]

In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.

[ARTICLE VII.]

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.

[ARTICLE VIII.]

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

[ARTICLE IX.]

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

[ARTICLE X.]

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively or to the people[1].

[ARTICLE XI.]

The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any Foreign State[2].

[1] Amendments First to Tenth appear to have been in force from Nov. 3, 1791.

[2] Proclaimed to be in force Jan. 8, 1798.

[ARTICLE XII.]

The Electors shall meet in their respective states, and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate;—The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted;—The person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of Electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President.—The person having the greatest number of votes as Vice-President, shall be the Vice-President, if such number be a majority of the whole number of Electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office

of President shall be eligible to that of Vice-President of the United States[1].

ARTICLE XIII.

SECTION 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction. SECTION 2. Congress shall have power to enforce this article by appropriate legislation[2].

ARTICLE XIV.

SECTION 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

SECTION 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

SECTION 3. No person shall be a Senator or Representative in Congress, or elector of President and Vice-President, or hold

[1] Proclaimed to be in force Sept. 25, 1804.

[2] Proclaimed to be in force Dec. 18, 1865. Bears the unnecessary approval of the President.

any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

SECTION 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

SECTION 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article[1].

ARTICLE XV.

SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.—

SECTION 2. The Congress shall have power to enforce this article by appropriate legislation.—[2]

[1] Proclaimed to be in force July 28, 1868.

[2] Proclaimed to be in force Mar. 30, 1870.

V.

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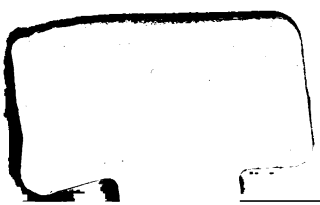
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